



Camden Council

Business Paper

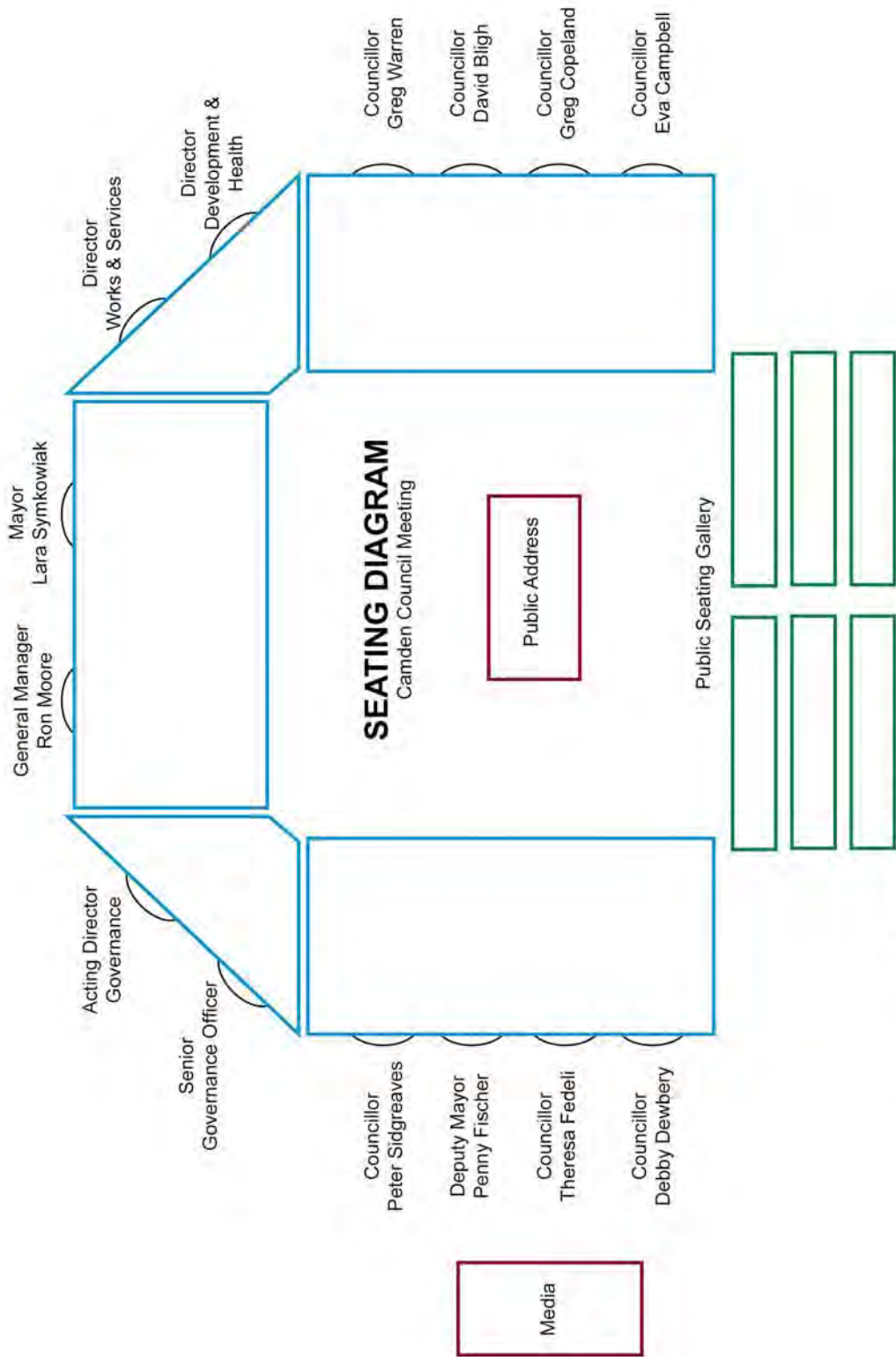
Ordinary Council Meeting
26 November 2013

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*

ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 November 2013.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 November 2013, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: CONSTRUCTION OF TWO STOREY ADDITION AT 1 MENANGLE ROAD, CAMDEN
FROM: Director, Development & Health
TRIM #: 13/61942

APPLICATION NO: 278/2013
PROPOSAL: Construction of Two Storey Addition
PROPERTY ADDRESS: 1 Menangle Road, Camden
PROPERTY DESCRIPTION: Lot 2 DP 504765
ZONING: B4 Mixed Use
OWNER: G & E Bray
APPLICANT: Lenard Anderson

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey addition at 1 Menangle Road, Camden.

The DA is referred to Council for determination as there remain unresolved issues raised in one submission received from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA278/2013 for a two storey addition pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report

EXECUTIVE SUMMARY

Council is in receipt of a DA for a two storey addition at No 1 Menangle Road Camden.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. Originally, two submissions were received in objection to the proposal however one of these submissions was later withdrawn. Ten submissions were received in support of the application. **A copy of the submissions is provided with the Business Paper Supporting Documents.**

The issues raised in the submission relate to heritage impact, overshadowing and roof ridge height.

In relation to heritage impact, the applicant sought advice from a heritage consultant to achieve a design appropriate for the existing dwelling and the locality. The design of

the addition is sympathetic to the conservation area and satisfies the heritage provisions contained within the LEP and DCP.

In relation to overshadowing, the applicant has submitted shadow diagrams that have been assessed by Council staff and demonstrate compliance with Council's DCP.

In relation to the height of the proposed addition, the original plans did not comply with the height control however the applicant has since amended the plans to comply. It is also noted that the proposed addition is lower than the existing portion of the building.

The proposed development complies with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 1 Menangle Road Camden and is legally described as Lot 2 DP 504765.

The site has a frontage of 23.4m to Menangle Road, a depth of up to 46m with an overall area of 1065m². The site slopes from the street towards the rear boundary.

The site currently accommodates a dwelling which is single storey at the front and two storey at the rear.

The existing cottage is the first of a row of three similar bungalows in Menangle Road that are identified as heritage items under LEP 2010. Along the northern boundary the

site adjoins the rear of six properties in Broughton Street containing traditional cottages used for mixed purposes. The land to the rear is part of the property owned by the neighbour along the southern boundary. St Johns Church is located on the opposite side of Menangle Road.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
30/9/2011	Removal of 4 trees approved by DA 1164/2011

THE PROPOSAL

DA 278/2013 seeks approval for construction of a new two storey addition to the rear of the dwelling

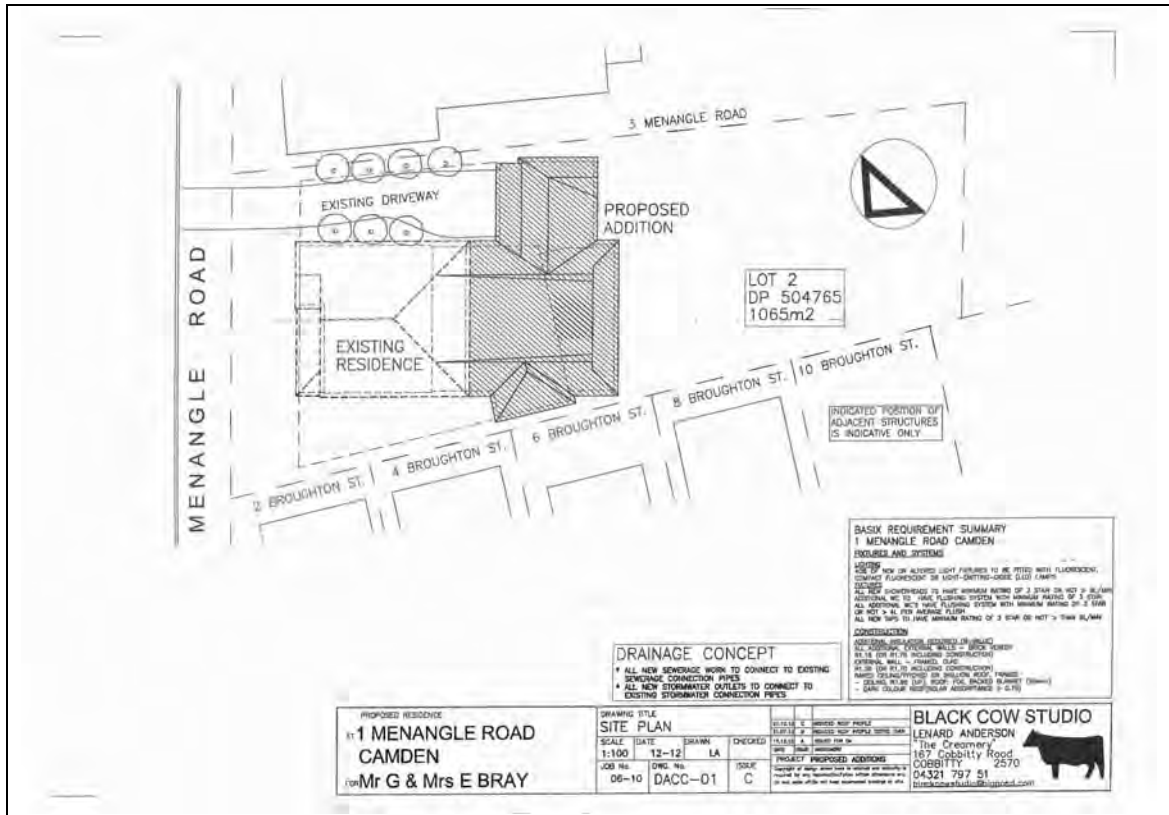
Specifically the proposed development involves:

- Construction of a family room, dining room, kitchen, bedroom, bathroom, rumpus, workshop, garage and terrace. All new work would be located the rear of the existing cottage;
- No works are proposed to the front façade of the existing dwelling.
- The addition will be constructed of a tiled roof, brickwork and lightweight cladding with compatible colours for the windows, doors and fascia.

The value of the works is \$320,000

A copy of the proposed plans is provided with the Business Paper Supporting Documents.

PROPOSED SITE PLAN



PROPOSED ELEVATIONS

ORD01

SOUTH-WEST ELEVATION

NORTH-EAST ELEVATION

PROPOSED RESIDENCE: AT 1 MENANGLE ROAD CAMDEN for Mr G & Mrs E BRAY	DRAWING TITLE ELEVATIONS	SCALE DATE 1:100 12-12 LA	DRAWN BY LA	CHECKED BY LA	ISSUE D	<p>BLACK COW STUDIO The Creamery 167 Cobbitly Road COBBITLY 2570 04321 797 51 blackcowstudio@gmail.com</p>
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NORTH-WEST ELEVATION

SOUTH-EAST ELEVATION

PROPOSED RESIDENCE: AT 1 MENANGLE ROAD CAMDEN for Mr G & Mrs E BRAY	DRAWING TITLE ELEVATIONS	SCALE DATE 1:100 12-12 LA	DRAWN BY LA	CHECKED BY LA	ISSUE E	<p>BLACK COW STUDIO The Creamery 167 Cobbitly Road COBBITLY 2570 04321 797 51 blackcowstudio@gmail.com</p>
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ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Camden Local Environmental Plan 2010
- Development Control Plan 2011

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP).

The BASIX SEPP aims to deliver equitable, effective water and greenhouse gas reductions across the state. The SEPP provides minimum performance targets for water and energy use of proposed residential development.

The applicant has completed an assessment of the development which demonstrated compliance in accordance with the BASIX targets. A compliance certificate has been issued and copy of the certificate was submitted with the DA documents.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned B4 Mixed Use under the provisions of the LEP. The proposed development is defined as a dwelling house by the LEP which is not a permissible land use in this zone.

Pursuant to section 106 of the Environment Planning and Assessment Act 1979 (The Act), is it considered that continuous use of the dwelling has been established through documentary evidence submitted with the DA.

Therefore the proposed development can rely upon 'existing use rights' provisions under the Act.

Objectives

The objectives of the B4 Mixed Use Zone are as follows:

- To provide a mixture of compatible land uses.

Officer comment:

The proposed use as a dwelling is compatible with the adjoining land uses.

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

Officer comment:

The proposed development does not propose to change the use.

- To encourage development that supports or complements the primary office and retail functions of the local centre zone.

Officer comment:

The use as a dwelling is not inconsistent with this objective.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 7.0m	7.0m	Yes
5.10 Heritage Conservation	'To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.'		Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Clause	Requirement	Provided	Compliance
B3.1. General Heritage Provisions.	Design <ul style="list-style-type: none"> • Avoid replication, • Complement existing building, • Remove unsympathetic 	The architectural design of the proposed addition is considered to be sympathetic with the existing bungalow	Complies

	<p>elements,</p> <ul style="list-style-type: none"> • Bulk, height & architectural elements to reflect surrounding heritage items, • External fabric of existing building to be maintained. <p>Siting</p> <ul style="list-style-type: none"> • Retain consistency of streetscape and significant elements, • Additions to predominantly be to the rear of the existing building, • Additions to the side may be considered where setback from the front of the existing building, • Maintain uniform front setback, • Existing informal rear building alignments to be retained. <p>Roofs and Roofscapes</p> <ul style="list-style-type: none"> • Existing pattern and pitch to be retained, • Secondary roof forms to be subservient, • Missing roof elements to be replaced when unsympathetic roofs are replaced. <p>Verandahs and Balconies</p> <ul style="list-style-type: none"> • Original verandahs to be retained, • Front verandahs may be reinstated, • Balconies on new building to be contemporary. 	<p>and surrounding development.</p> <p>The addition is located to the rear of the bungalow. The site slopes down from the road which further contributes to ensuring that the development maintains the significance of the heritage item and the streetscape.</p> <p>The roof of the new work is lower and will be subservient to the existing roofline.</p> <p>No alterations are proposed to the original front verandah. The rear terrace will complement the development.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
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	<p>Height</p> <ul style="list-style-type: none"> • Floor space in attic permissible if no significant external changes, • Dormers may be considered, • Loft type structures may be considered where appropriate. <p>Materials and Finishes</p> <ul style="list-style-type: none"> • Original materials and finishes to be retained and conserved, • Materials and finishes to be appropriate for original building, • Contemporary materials permissible if in keeping with item, • Significant elements to be retained, • Restoration of missing elements encouraged. <p>Colours</p> <ul style="list-style-type: none"> • Colours to be appropriate, • New buildings to be sympathetic, • Colour schemes to enhance significant building features, • Original brickwork not to be rendered or painted. <p>Fences and Gates</p> <ul style="list-style-type: none"> • Existing significant fences and gates to be retained, • New fencing to relate to architectural period of building, • Removal of unsympathetic fencing encouraged, • Fence heights not to 	<p>No dormers or lofts are proposed</p> <p>The schedule of materials for the new work has been compiled with consideration to the original materials and finishes of the existing building. Significant elements of the bungalow have been retained.</p> <p>The colour schedule has been assessed by Council staff and is considered appropriate for the development.</p> <p>Existing fences are satisfactory and to be retained.</p>	<p>Not applicable.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
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ORD01

ORD01

	<p>obscure heritage item,</p> <ul style="list-style-type: none"> Fencing to be stepped down the slope. <p>Landscaping</p> <ul style="list-style-type: none"> Front landscaping to be appropriate for heritage item, Landscaping to retain original design elements i.e. paths and plantings. <p>Garages, Carports and Outbuildings</p> <ul style="list-style-type: none"> Garages etc. to be simple, ancillary structures designed not to dominate the principal building and heritage conservation area, Driveways to be appropriate. Stencilled concrete not permitted, Hard turn areas kept to a minimum. <p>Associated Structures</p> <ul style="list-style-type: none"> Shutters and grilles for security to suit character of building, External lighting to highlight architectural features, Skylights, AC units, solar panels etc. not to be visible from street. 	<p>Existing landscaping is to be retained.</p> <p>The addition proposes the inclusion of an attached garage. The garage is not considered as a freestanding ancillary structure. Heritage assessment of the garage has determined that as it is setback 15m from the front boundary, is located behind the original bungalow and is below street level it will not dominate the dwelling or impose on the heritage area. A gravel driveway is proposed for the development.</p> <p>The development does not propose security shutters or external lighting. No skylights, AC units or solar panels are proposed for this development.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
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<p>D2.1.1 Setbacks</p>	<ul style="list-style-type: none"> • Rear – min. 6 m for 2 storey • Side - min. 0.9m • Walls alongside boundary setbacks to be articulated in the form of windows, wall return or architectural features. 	<p>Rear setback approximately 13m</p> <p>Side setback (north) minimum 1.0m</p> <p>Side setback (south) minimum 1.115m</p> <p>The northern and southern walls of the dwelling will be articulated.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>D2.1.3 Building Height</p>	<ul style="list-style-type: none"> • Max 7.0m 	<p>7.0m provided</p>	<p>Complies</p>
<p>D2.1.4 Visual and Privacy</p>	<ul style="list-style-type: none"> • No direct overlooking of neighbours main living and private open space. • Highlight windows and privacy screen to be provided. 	<p>Privacy screen proposed for terrace.</p> <p>No windows are proposed for the walls immediately adjacent to the northern and southern boundaries.</p>	<p>Complies</p>
<p>D2.1.5 Overshadowing</p>	<ul style="list-style-type: none"> • Sunlight must reach at least 50% of the Private Open Space of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9.00am and 3:00pm on June 21. • Windows to living areas of neighbouring properties shall not have sunlight reduced to less than 	<p>Shadow diagrams lodged with the DA demonstrate compliance with the DCP in relation to overshadowing.</p> <p>Shadow diagrams indicate that solar access to neighbouring properties will be maintained in accordance with the</p>	<p>Complies</p> <p>Complies</p>

	3 hours between 9.00am and 3:00pm on June 21.	DCP.	
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(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to the proposed development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Section 79C requires Council to consider the likely impact of a development such as the environmental impacts on both the natural and built environments as well as the social and economic impacts on the locality.

The residential development is an acceptable land use, which is permitted within the zone and compatible with the surrounding residential area. The social impacts of the proposed development are deemed to be appropriate for the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited twice for 14 days in accordance with the DCP. The exhibition periods were from 18 April and 3 May 2013 then again between 20 August and 3 September 2013.

Originally, two submissions were received in objection to the proposal however one of these submissions was later withdrawn. Ten submissions were received in support of the application.

A copy of a public exhibition and submissions map is provided with the Business Paper Supporting Documents.

The following discussion addresses the issues and concerns raised in the submission

- *Adverse heritage impact*

Officer comment:

In designing the proposed rear addition, the applicant sought advice from Council officers and a heritage consultant to achieve a design appropriate for the existing dwelling and the locality.

Council staff, including Council's heritage staff, assessed the DA with particular regard to the heritage provisions of the DCP.

The development aims to provide a quality design in terms of height, location and fabric which when viewed from the street will be subservient in design and sympathetic to the character of the existing dwelling. The effect of the development on the heritage items and the Heritage Conservation Area has been assessed and is considered satisfactory.

- *Height of building and visual impact*

Officer comment:

The proposal satisfies Council's LEP and DCP controls in relation to height. The proposed addition is situated to the rear of the existing dwelling and the applicant has modified the plans since lodgement to ensure compliance with the building standards provided under the LEP and DCP, in particular the maximum building height of 7 metres.

- Impact from Overshadowing

Officer comment:

The following clauses of the DCP provide controls for solar access to the subject land and adjoining neighbours;

- Sunlight must reach at least 50% of the private open space of both the subject dwelling and of any adjoining dwelling, for not less than 3 hours between 9.00am and 3:00pm on June 21.
- Windows to living areas of neighbouring properties shall not have sunlight reduced to less than 3 hours between 9.00am and 3:00pm on June 21.

Assessment of the development has determined that the addition will comply with the relevant DCP controls.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development represents the planned and orderly development of the site and is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with the provisions of Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. Accordingly, DA 278/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Job No. 06-10 Sheets DACC-01 & DACC-03, Issue C Sheets DACC-02, DACC- 04 & DACC-06, Issue D Sheet DACC-05, Version E	Architectural	Black Cow Studio	31/10/13
	Statement of Heritage Impact	Kayandel Archaeological Services	March 2013
	Statement of Environmental Effects	Black Cow Studio	
	BASIX Certificate		
	Waste Management Plan		

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.

(3) **Heritage Requirements -**

- a) The development is carried out in accordance with the *Statement of Heritage Impact for Proposed Development Application at 1 Menangle Rd Camden* prepared by Kayandel Archaeological Services, dated March 2013
- b) A simple photographic record of the interior and exterior of the building at the rear addition should be carried out prior to commencement of works and submitted to Camden Council prior to the issue of the final Occupation Certificate.
- c) Should Aboriginal heritage items be unexpectedly uncovered all work must cease and the advice of NSW Office of Environment and Heritage must be obtained on ph 131555 or by email at info@environment.nsw.gov.au

(4) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the prior written approval of Camden Council has been obtained.

(5) **Survey Report** – A survey report detailing the height of the roof ridge shall be submitted prior to the installation of roof cladding.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Salinity** - Council's Salinity Management Policy is to be implemented in this development. Details of compliance shall be forwarded to the certifying authority for approval with the Construction Certificate application.
- (2) **Structural Engineers Details** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical report applicable to the site. A statement to that effect shall be included on the structural engineers details submitted to the certifying authority.
- (3) **Stormwater Details** – Details demonstrating the method of proposed stormwater disposal shall be submitted for consideration prior to the issue of the Construction Certificate.
- (4) **Privacy Screen** – The shutters and louvres for the terrace privacy screen shall be permanently fixed into position. This shall be indicated on the plans for the Construction Certificate.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.

- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.
- (2) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (3) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (4) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (5) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (6) **Retaining Walls** - If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (7) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (8) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

- (10) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (11) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (12) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
 - (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.
- (15) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

5.0 - Prior to Issue of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
 - (a) Insulation installation certificates.
 - (b) Termite management system installation certificates.
 - (c) Smoke alarm installation certificate from installing licensed electrician.
 - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
 - (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
 - (f) All certificates or information relating to BASIX compliance for the development.

- (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).
- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

Where the appointed PCA is not Camden Council, the matters listed in this condition should be regarded as advisory only.

Note: The above certification does not override any requirements of the *Environmental Planning and Assessment Act, 1979* with respect to any required critical stage inspections.

- (3) **Completion of Privacy Screen** – The privacy screen for the terrace shall be completed prior to the issue of any Occupation Certificate for the use of the terrace.
- (4) **Photographic Record** - A copy of the photographic record of the interior and exterior of the building at the rear addition shall be submitted to Camden Council prior to the issue of the final Occupation Certificate.
- (5) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (6) **Survey Report** – A copy of the survey report detailing the height of the roof ridge must have been submitted to the Certifying Authority.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
 - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
 - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

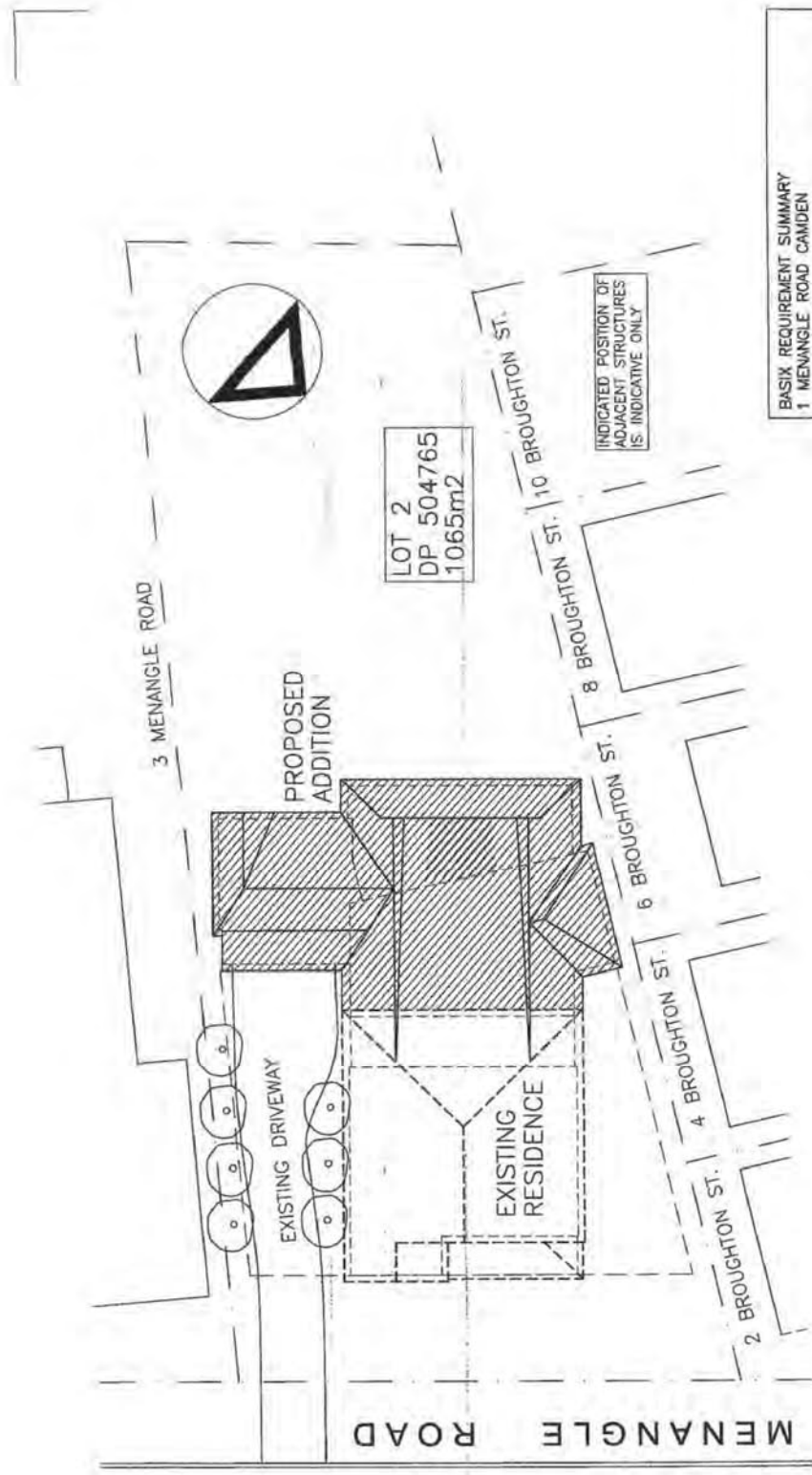
-
- (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.
- (2) **Maintenance of Privacy Screen** – The terrace privacy screen shall be maintained and retained as approved for the life of the terrace.

RECOMMENDED

That Council approve DA 278/2013 for the construction of a two storey addition at No 1 Menangle Road, Camden, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plan
2. Floor Plans - *Supporting Document*
3. Public Exhibition and Submissions Map - *Supporting Document*
4. Submissions - *Supporting Document*



LOT 2
DP 504765
1065m²

INDICATED POSITION OF ADJACENT STRUCTURES IS INDICATIVE ONLY

PROPOSED ADDITION

EXISTING RESIDENCE

EXISTING DRIVEWAY

DRAINAGE CONCEPT

- ALL NEW SEWERAGE WORK TO CONNECT TO EXISTING SEWERAGE CONNECTION PIPES
- ALL NEW STORMWATER OUTLETS TO CONNECT TO EXISTING STORMWATER CONNECTION PIPES

BASIX REQUIREMENT SUMMARY
1 MENANGLE ROAD CAMDEN

FIXTURES AND SYSTEMS

LOADING
- FIXTURES TO BE FITTED WITH FLUORESCENT, CONTACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMP
- ALL NEW SHOWERS TO HAVE MINIMUM RATING OF 3 STAR OR NOT > 3 STAR
- ALL NEW TOILETS TO HAVE MINIMUM RATING OF 3 STAR OR NOT > 3 STAR
- ALL NEW SINKS TO HAVE FLUSHING SYSTEM WITH MINIMUM RATING OF 3 STAR OR NOT > 4L PER SWASH FLUSH
- ALL NEW TAPS TO HAVE MINIMUM RATING OF 3 STAR OR NOT > 7MM SL/MIN

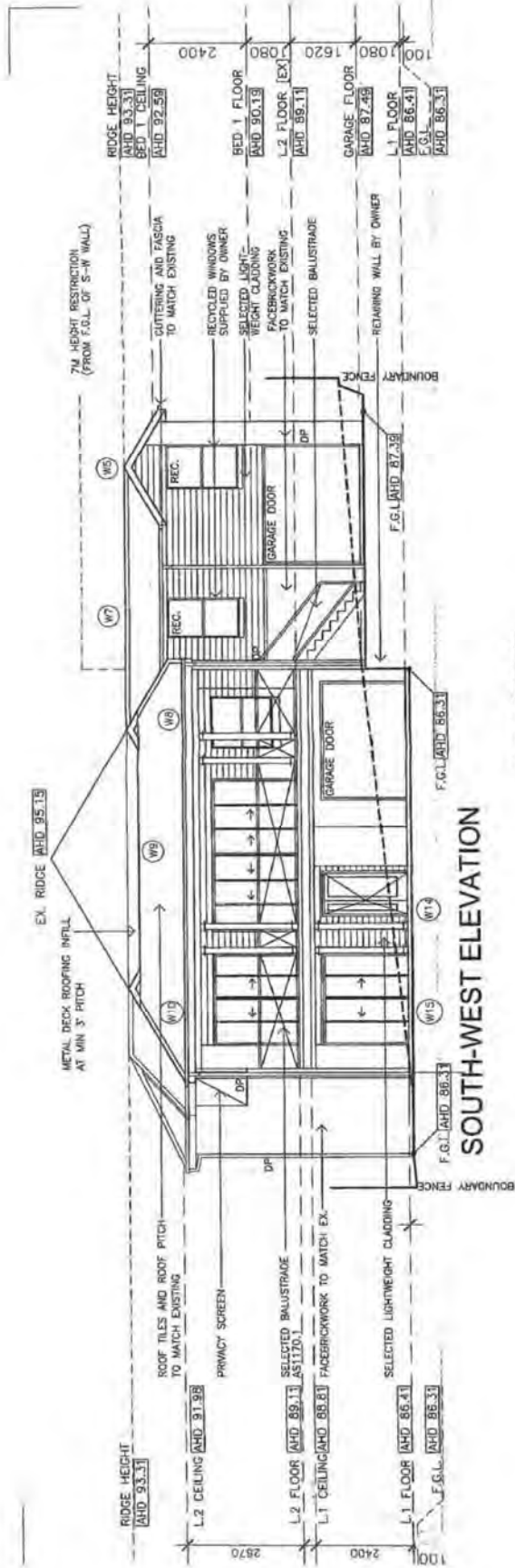
CONSTRUCTION

ADDITIONAL INSULATION REQUIRED (0-VALUE)
- ALL EXTERNAL WALLS TO BE INSULATED TO R1.00 (OR R1.70 INCLUDING CONSTRUCTION) FRAMED ROOF TO BE INSULATED TO R1.00
- CEILING RISLS (UP), ROOF SOL, BACKED BLANKET (0-50mm)
- DARK COLOUR ROOF/SOLAR ABSORPTANCE > 0.70

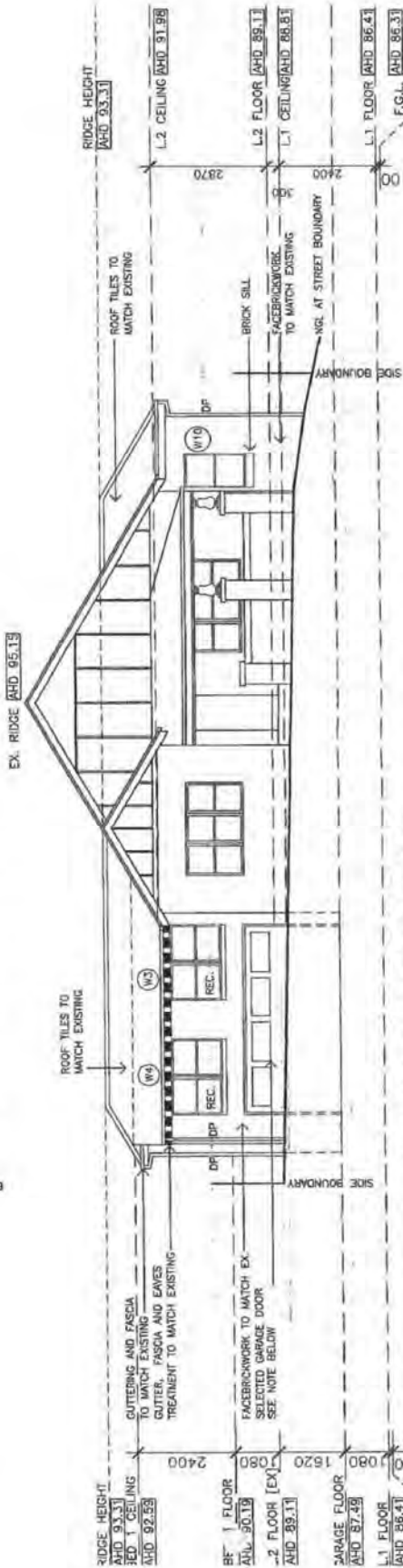
PROPOSED RESIDENCE AT 1 MENANGLE ROAD CAMDEN FOR Mr G & Mrs E BRAY		DRAWING TITLE SITE PLAN													
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<p>BLACK COW STUDIO</p> <p>LENARD ANDERSON The Creamery 16 Cobbitty Road COBBITTY 04321 797 51 blackcowstudio@bigpond.com</p>		<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>A</td> <td>ISSUED FOR DA</td> <td></td> </tr> <tr> <td>B</td> <td>ISSUED FOR BA</td> <td></td> </tr> <tr> <td>C</td> <td>ISSUED FOR C</td> <td></td> </tr> </table>		NO.	DESCRIPTION	DATE	A	ISSUED FOR DA		B	ISSUED FOR BA		C	ISSUED FOR C	
NO.	DESCRIPTION	DATE													
A	ISSUED FOR DA														
B	ISSUED FOR BA														
C	ISSUED FOR C														

Attachment 1

ORD01



SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION

NOTE GARAGE DOOR TO BE RECYCLED PANEL FINISH (OR EQUAL) WITH GLAZING TO TOP PANEL AS SHOWN PAINT FINISH (SEE DACC-09)

NOTE WINDOWS DENOTED WITH "REC." ARE RECYCLED WINDOWS SUPPLIED BY OWNER

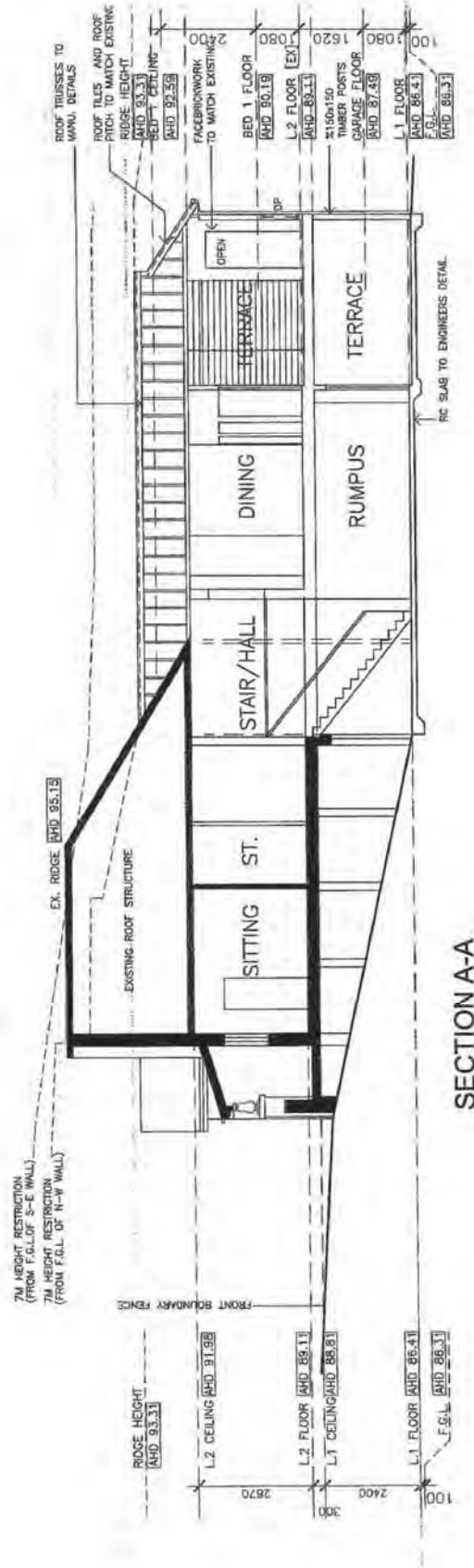
BLACK COW STUDIO

LENARD ANDERSON
The Creamery
167 Cobbitty Road
COBBITTY 2570
04-321 797 51
blackcowstudio@bigpond.com

11.03.13	D	ISSUED	ROOF ANGLE - 40 DEGREES
11.03.13	C	ISSUED	IMPROVED ROOF ANGLE - 40 DEGREES
11.03.13	B	ISSUED	74.5 HEIGHT RESTRICTION LAYS NEAR
11.03.13	A	ISSUED	RECYCLED GARAGE DOOR PANELS
			PROJECT PROPOSED ADDITIONS
			Copyright © 2013 Lenard Anderson. All rights reserved. No part of this publication may be reproduced without the written permission of Black Cow Studio. Do not state office not keep architectural drawings on site.

DRAWING TITLE		ELEVATIONS	
SCALE	DATE	DRAWN	CHECKED
1:100	12-12	LA	LA
JOB No.	DWG. No.	ISSUE	ISSUE
06-10	DACC-04	D	D

PROPOSED RESIDENCE
AT 1 MENANGLE ROAD
CAMDEN
FOR Mr G & Mrs E BRAY

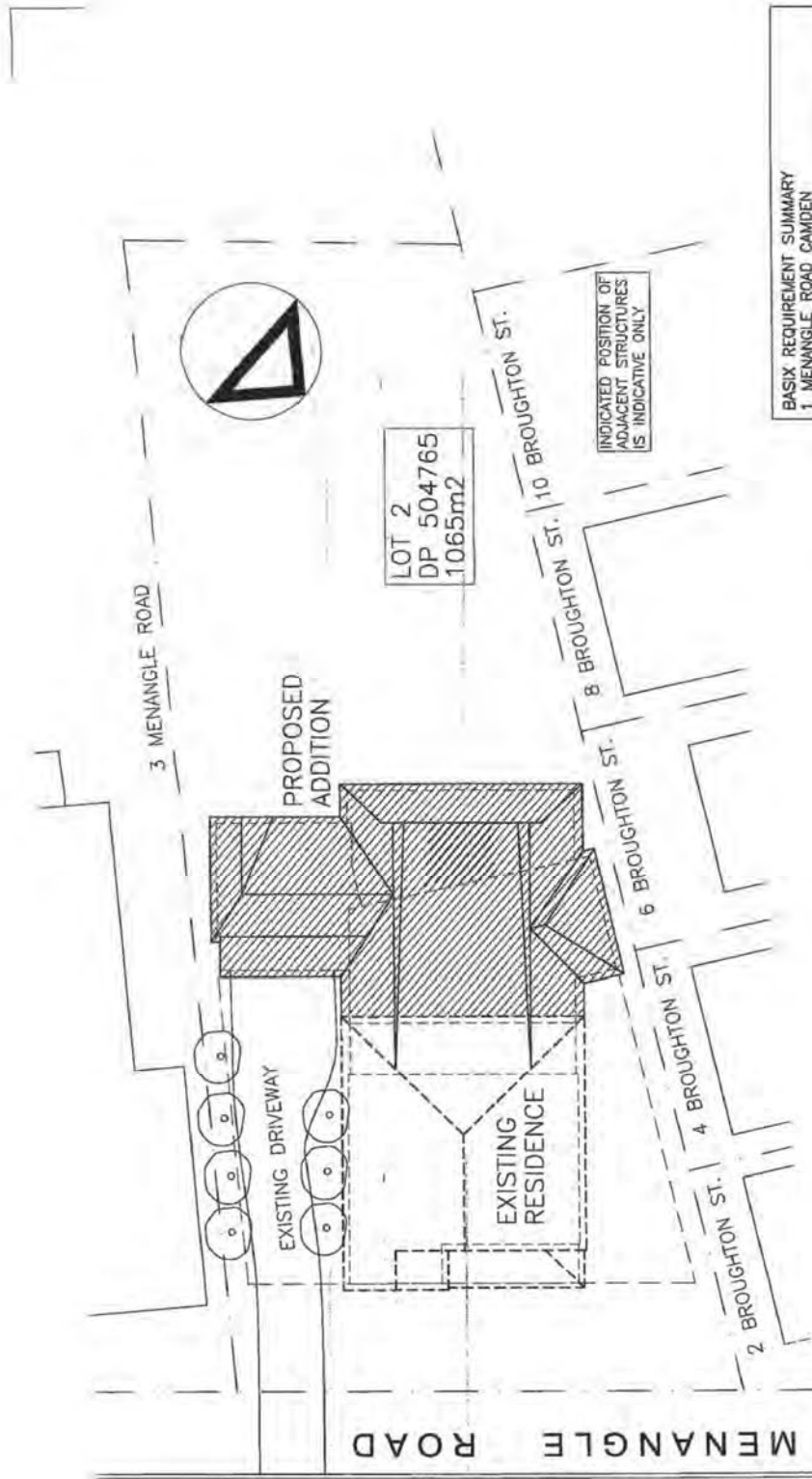


SECTION A-A

PROPOSED RESIDENCE AT 1 MENANGLE ROAD CAMDEN FOR Mr G & Mrs E BRAY		DRAWING TITLE SECTION A-A	CHECKED LA	31/05/12 18/05/12 21/07/12 12/12/12 06-10	0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	BLACK COW STUDIO LENARD ANDERSON The Creamery 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com
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ORD01

Attachment 1



BASIC REQUIREMENT SUMMARY
1. MENANGLE ROAD CAMDEN
FIXTURES AND SYSTEMS
 USE OF NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS.
 ALL NEW SHOWERHEADS TO HAVE MINIMUM RATING OF 3 STAR OR NOT > 8L/MIN.
 ADDITIONAL WC TO HAVE FLUSHING SYSTEM WITH MINIMUM RATING OF 3 STAR.
 ALL NEW TAPS TO HAVE MINIMUM RATING OF 3 STAR OR NOT > 10MIN 8L/MIN.
CONSTRUCTION
 ADDITIONAL INSULATION REQUIRED (R-VALUED)
 ALL ADDITIONAL EXTERNAL WALLS - BRICK VENEER
 R1.18 (OR R1.70 INCLUDING CONSTRUCTION)
 ALL NEW ROOFS - R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
 R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
 PAVED DRIVEWAYS/PATHS OR SHALLOW ROADS - R1.30 (OR R1.70 INCLUDING CONSTRUCTION)
 - DARK COLOUR ROOF/FLOORING APPROPRIATE > 0.70

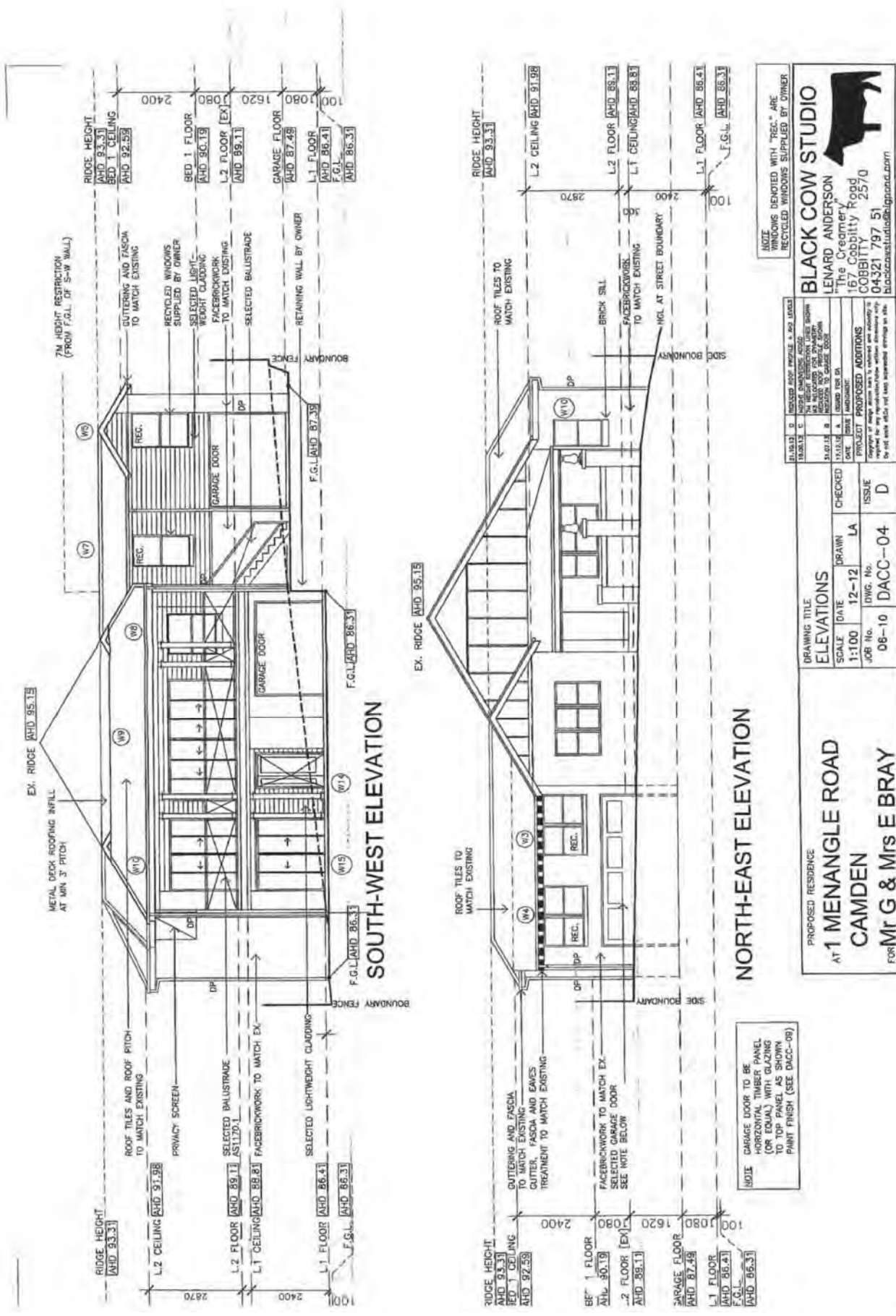
DRAINAGE CONCEPT
 * ALL NEW SEWERAGE WORK TO CONNECT TO EXISTING SEWERAGE CONNECTION PIPES
 * ALL NEW STORMWATER OUTLETS TO CONNECT TO EXISTING STORMWATER CONNECTION PIPES

INDICATED POSITION OF ADJACENT STRUCTURES IS INDICATIVE ONLY

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SITE PLAN		JULIE B		LA	
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JOB No.	DWG. No.				
06-10	DACC-01				

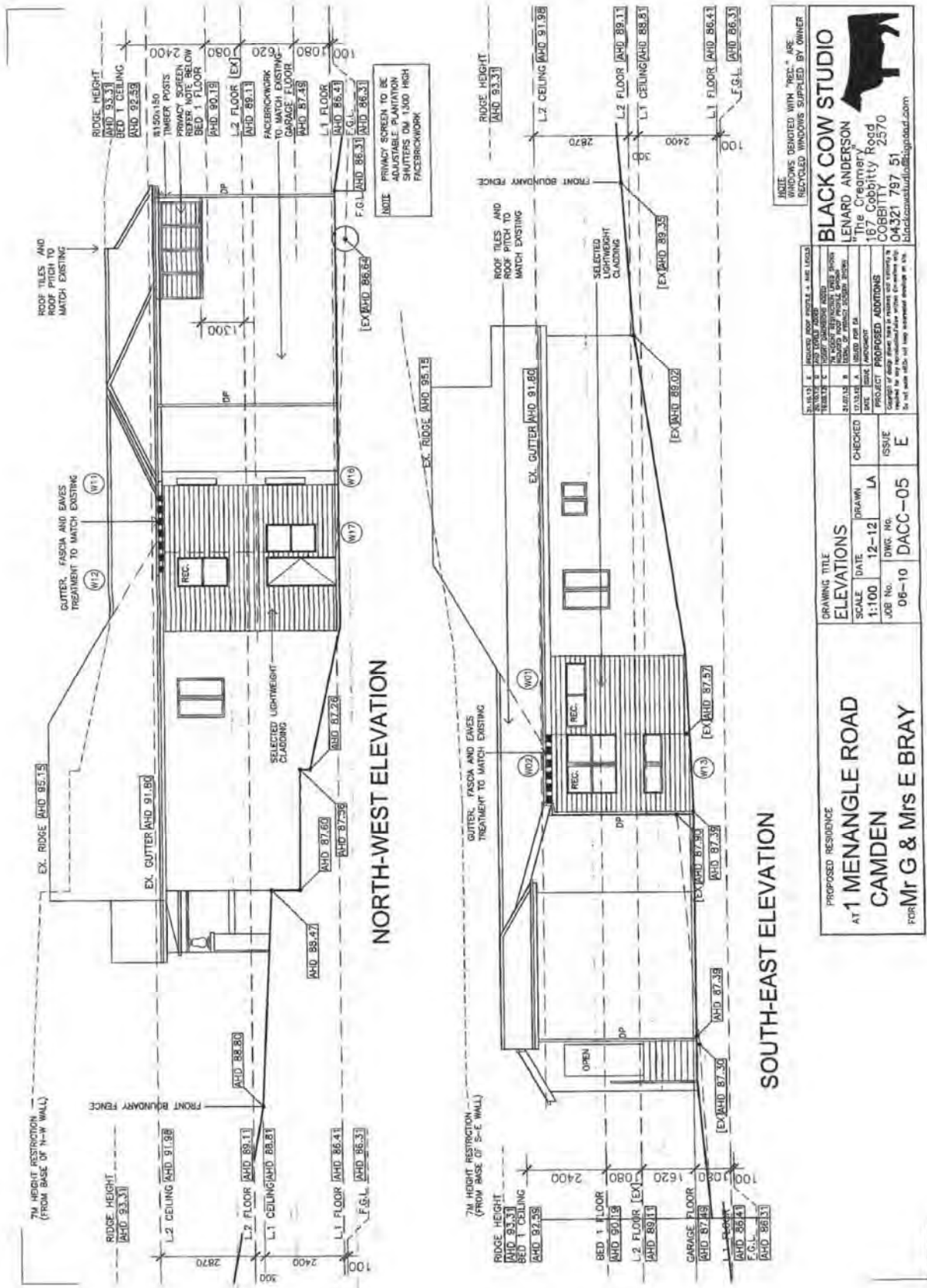
PROPOSED RESIDENCE
AT 1 MENANGLE ROAD
CAMDEN
 FOR **Mr G & Mrs E BRAY**

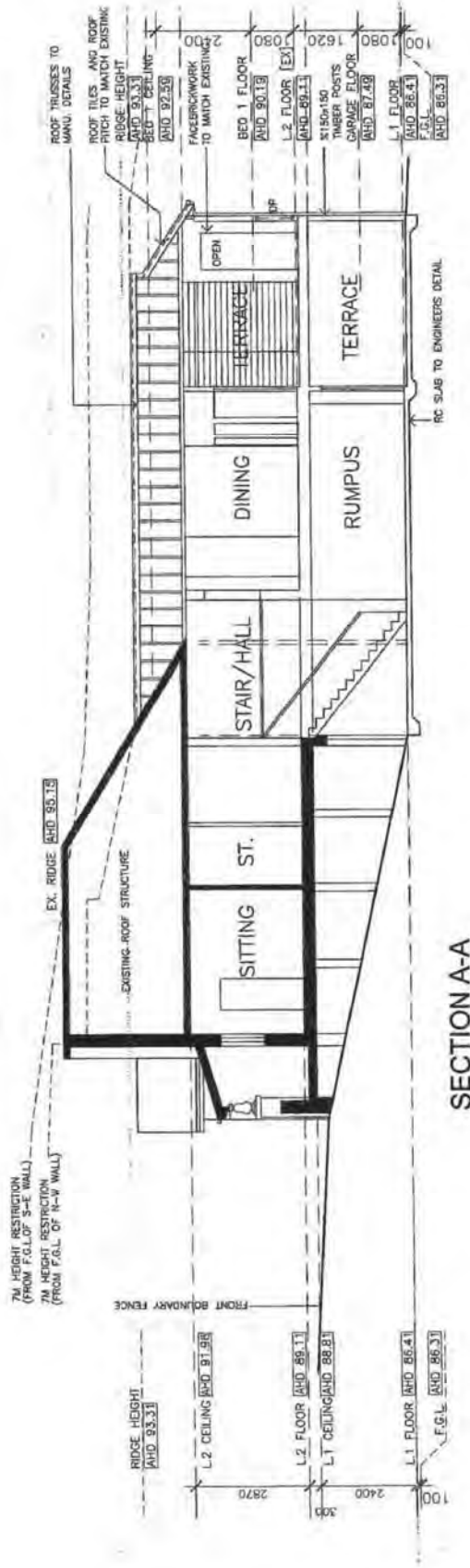
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 blackcowstudio@bigpond.com



Attachment 1

ORD01





PROPOSED RESIDENCE AT 1 MENANGLE ROAD CAMDEN FOR Mr G & Mrs E BRAY		DRAWING TITLE SECTION A-A		DATE 12-12		DRAWN LA		CHECKED LA		BLACK COW STUDIO LENARD ANDERSON The Creamery 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
JOB No. 06-10		DWG. No. DACC-06		ISSUE D		PROJECT PROPOSED ADDITIONS		DATED: B REVISED ROOF PROFILE & ROOF LEVELS DRAWN: C HEIGHT RESTRICTIONS ADDED CHECKED: A REVISIONS FOR PEOPLE SIGNS SCALE: 1:100		Copyright © Lenard Anderson & Cobbitty Pty Ltd No part of this drawing may be reproduced without the written permission of the copyright owner.	



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF NEW PUBLIC ROADS AND ASSOCIATED SITE WORKS, 810C CAMDEN VALLEY WAY AND 29 TARRAWARRA AVENUE, GLEDSDOOD HILLS
FROM: Director, Development & Health
TRIM #: 13/48811

APPLICATION NO: 727/2013
PROPOSAL: Construction of new public roads and associated site works
PROPERTY ADDRESS: 810C Camden Valley Way and 29 Tarrawarra Avenue, Gledswood Hills
PROPERTY DESCRIPTION: Lot 5, DP 1175488 and Lot 2076, DP 1161618
ZONING: R1 General Residential
OWNER: SH Camden Valley Pty Limited
APPLICANT: SH Camden Valley Pty Limited c/o SJB Planning

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of new public roads and associated site works at 810C Camden Valley Way and 29 Tarrawarra Avenue, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues received in four submissions from the public, and there are proposed variations to the Turner Road Development Control Plan 2007.

SUMMARY OF RECOMMENDATION

That Council determine DA 727/2013 for the construction of new public roads and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of new public roads and associated site works at 810C Camden Valley Way and 29 Tarrawarra Avenue, Gledswood Hills.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. 4 submissions were received (all objecting to the proposed development). **A copy of the submissions is provided with the Business Paper Supporting Documents.**

The issues raised in the submissions include the provision of drainage and water quality plans, clarification on connections points into Camden Valley Way, the future development of the site, the need for modelling to assess stormwater impacts upon a property to the west, increased flooding for properties to the west, that the entirety of the proposed The Hermitage Way should be constructed and that the location of the proposed The Hermitage Way road does not align with future road connection points into adjoining properties to the east.

Drainage plans have been provided to Council and Council staff have made this documentation publicly available to the submission writers. A copy of a water quality modelling report submitted by the applicant was also forwarded to the submission writers for their information. Council staff have assessed this information and are satisfied that the proposed development is compliant with Council's Engineering Specifications and the water quality objectives in the Turner Road DCP.

The plans submitted to Council demonstrate the point of connection of the proposed The Hermitage Way road works with the new intersection works currently under construction by the Roads and Maritime Services (RMS) along Camden Valley Way.

The site is zoned R1 General Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and in accordance with the DCP will be redeveloped via a residential subdivision comprising a mix of low density and medium density residential development (subject to separate DA).

The stormwater management strategy submitted with the DA provides an analysis of the three catchments affected by the proposed development and identifies the quantity of water that will be generated by the proposed roads. Council staff are satisfied that the stormwater modelling undertaken is sufficient and properties to the west of the site will not be adversely impacted as a result of the DA. Where necessary, the developer will be required to detain water on the site to ensure this.

In accordance with the Turner Road DCP, no further road connections to Camden Valley Way will be proposed from the site. Road access to the site will be restricted to the new Camden Valley Way/Springfield Road/The Hermitage Way signalised intersection currently under construction and the existing intersection of Camden Valley Way and Fairbank Drive.

It is the intention of the developer to ultimately construct the full length of the Hermitage Way within their land holding. However, the proposed works are an interim measure to ensure that the existing residential development within the southern half of the site has full access to and from Camden Valley Way once the new Camden Valley Way/Springfield Road/The Hermitage Way signalised intersection becomes operational, as the site's Camden Valley Way/Fairbank Drive intersection will then be restricted to a left in/left out only arrangement.

The proposed road locations comply with the Turner Road DCP.

The DCP requires that key pedestrian and cycleway routes are provided including a footpath and a shared pedestrian/cyclepath along The Hermitage Way and a shared path along a proposed local road.

The DA does not propose any paths along The Hermitage Way. The applicant has proposed that a shared path will be provided within the adjoining landscaped areas as this road approaches Camden Valley Way (subject to a future DA).

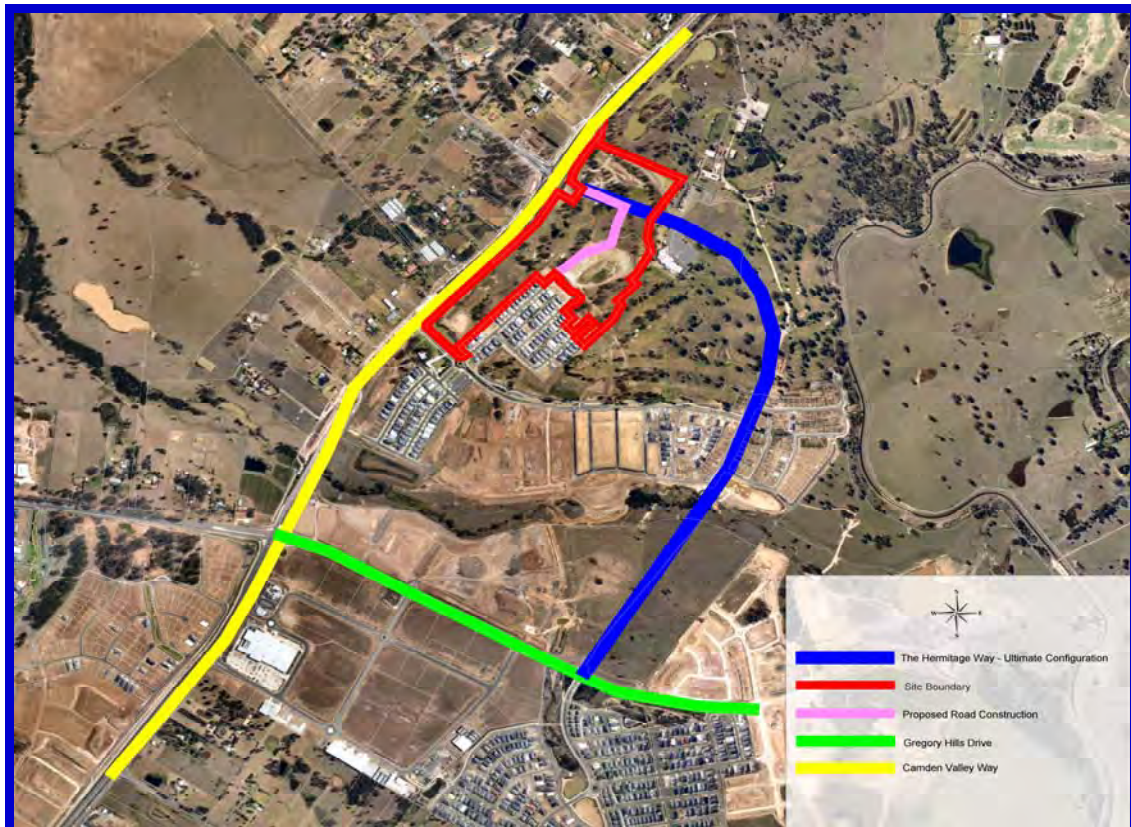
In addition, the DA proposes to relocate the required shared path from a proposed local road to along the future open space to the east. This path in the alternative location will be provided subject to a future DA.

These alternative path locations and construction timing is considered acceptable in that the same level of pedestrian/cyclist connectivity will ultimately be achieved and the relocation of the shared path will provide greater separation distances between vehicular traffic along The Hermitage Way and cyclists/pedestrians.

The relocation of the shared path from the proposed local road to along the future open space to the east will result in better amenity for pedestrians/cyclist and increased passive surveillance of the open space. No residential development either exists or is proposed in the vicinity of the proposed roads at this time. Consequently deferral of the paths' construction to a future DA is considered acceptable in that the paths are not warranted at this time. Council staff will ensure that the paths are provided as part of subsequent residential development DAs which is a more appropriate time for them to be provided.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site comprises two properties commonly known as 810C Camden Valley Way and 29 Tarrawarra Avenue, Gledswood Hills and is legally described as Lot 5, DP 1175488 and Lot 2076, DP 1161618.

Lot 5, DP 1175488 is an irregular residue lot located on the western boundary of the site adjacent to Camden Valley Way. Lot 5 has an approximate area of 13.9ha and extends from Fairbank Drive in the south to the northern boundary of the site.

Lot 2076, DP 1161618 is also an irregularly shaped residue lot located to the west of lot 5 and has an approximate area of 5.9ha.

The site is largely vacant except for 7 existing dams, scattered vegetation and a RMS temporary construction depot on its north western boundary. The site is located within the Turner Road precinct of the South West Growth Centre.

The surrounding properties are characterised by various stages of residential subdivision associated with the developing Gledswood Hills residential suburb.

The Smeaton Grange industrial estate lies to the south with the existing Currans Hill residential suburb to the south east. On the opposite side of Camden Valley Way, to the south west, lies Harrington Park and the urban release area of "Harrington Grove." The Oran Park precinct of the South West Growth Centre exists to the west whilst to the north the site is bound by the El Caballo Blanco/Gledswood site. To the east is the Sydney Catchment Authority upper canal and the Camden/Campbelltown LGA boundary.

HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA 727/2013 seeks approval for the construction of new public roads and associated site works.

Specifically the proposed development involves:

- subdivision to create two residue lots with areas of 9.2ha and 9.7ha;
- construction and dedication of 150m of "The Hermitage Way" from the future Camden Valley Way/Springfield Road signalised intersection. The Hermitage Way is a two lane sub-arterial road that will ultimately run east and south through Gledswood Hills and connect into Gregory Hills Drive to the south;
- construction and dedication of an extension to Lillydale Avenue referred to as proposed road 143 (a local road) and part of a new local road referred to as proposed road 142;
- removal of approximately 27 trees;
- construction of earthworks, drainage, landscaping and associated site works; and

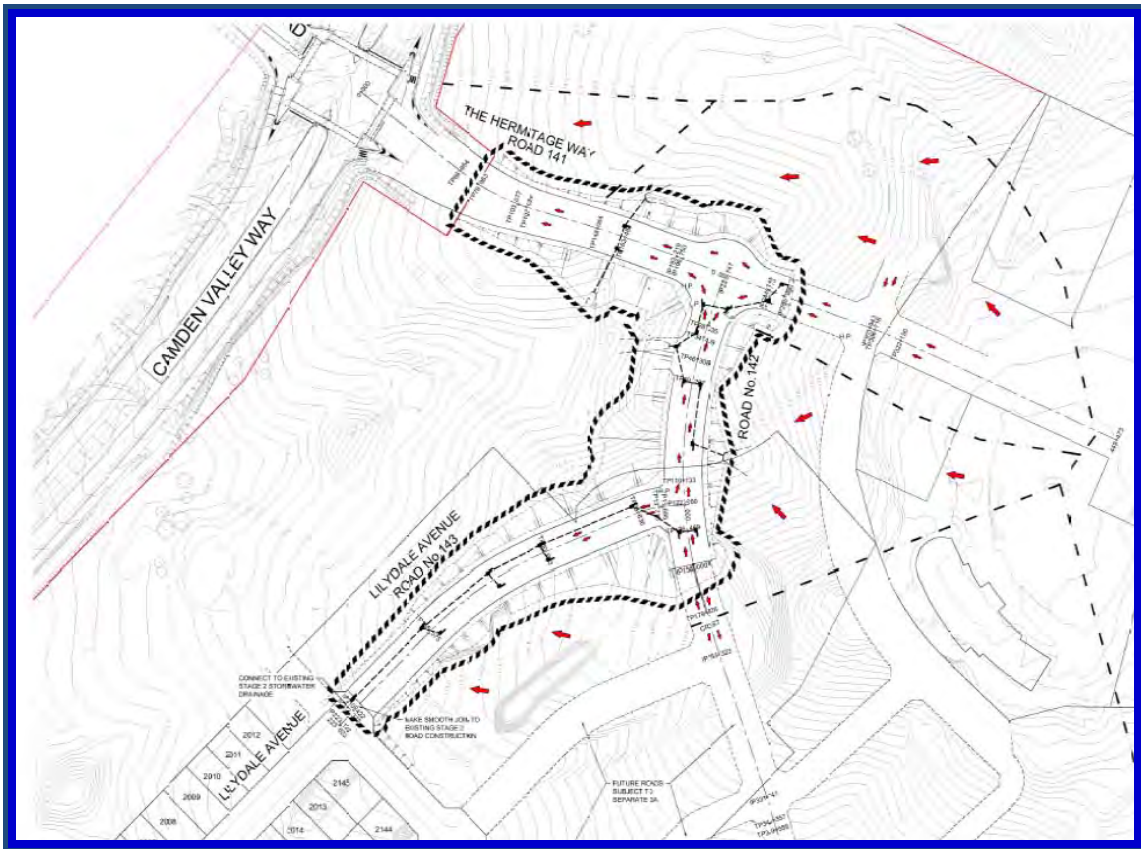
- remediation of contaminated areas of environmental.

The proposed development does not affect the existing access arrangements to the Camden Valley County Club house which is located to the east. Ultimately The Hermitage Way will be extended to the east and provide future access to the club house subject to a separate DA.

The value of the works is \$1,373,000.

A copy of the proposed plans is provided as Attachment 1 to this report. Also a copy of the engineering plans as Attachment 2.

PROPOSED PLAN



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as “roads,” “earthworks” and “drainage” by the SEPP which are permissible land uses and works in this zone. The subdivision of land is also permitted with consent in this zone.

Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The provision of additional public road access to the site, together with remediating contaminated areas of it, will facilitate the provision of future housing for the community (subject to separate DAs).

- To provide for a variety of housing types and densities.

Officer comment:

The provision of additional public road access to the site, together with remediating contaminated areas of it, will facilitate the provision of a variety of future housing types and densities (subject to separate DAs).

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

The proposed development includes road construction which will provide additional public access to the site to meet the day to day needs of existing and future residents.

- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for road construction and associated site works. However it is not considered that it will have any adverse effects on the amenity of surrounding residential development.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for road construction and associated site works.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for road construction and associated site works.

- To provide for a variety of recreational uses within open space areas.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for road construction and associated site works.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP:

Clause	Requirement	Provided	Compliance
4.1 Minimum Lot Size	Minimum 125m ² lot area	Two superlots are proposed with areas of 9.2ha and 9.7ha	Yes
5.9 Preservation of Trees or Vegetation	Removal of trees and vegetation requires consent	The DA seeks consent for the removal of approximately 27 trees	Yes
6.1 Public Utility Infrastructure	Consent not to be granted for development unless adequate public utility infrastructure arrangements have been made	The site is capable of being serviced by appropriate public utility infrastructure. It is a recommended condition that the proposed development be provided with appropriate public utility infrastructure	Yes

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. This applicant has submitted a phase 2 contamination assessment and a remediation action plan (RAP) for the site in

support of this DA. The contamination assessment notes that the site is contaminated with asbestos piping fragments and 3 areas of environmental concern.

These AECs include a non-operational sewage treatment plant (STP), the STP disposal area and effluent dams, however the RAP provides a series of remediation actions that if implemented will fully decontaminate the site. It is a recommended condition that the site be fully decontaminated in accordance with the submitted RAP and that a site validation report and site audit statement be submitted prior to the issue of a Subdivision Certificate.

Subject to this occurring, the site will be made suitable for its intended use.

A condition is also recommended in relation to unexpected contamination finds.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate soil and sediment erosion controls have been proposed and it is a recommended condition that water pollution control devices are provided as part of the development.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
Part A, 2.1 Indicative Layout Plan	Development to be consistent with the precinct's Indicative Layout Plan (ILP) depicted in Figure 2	The proposed DA is consistent with the ILP in that it proposes a construction of a 150m part of The Hermitage Way which is a key piece of infrastructure to service the Turner Road Precinct. The DA also proposes the	Yes

Control	Requirement	Provided	Compliance
		construction of two local roads. The location of the proposed road construction is consistent with the ILP	
Part A, 2.4 Infrastructure Delivery and Development Staging	Core infrastructure, services and facilities are to be established at the early stages of development consistent with the Special Infrastructure Contribution (SIC) Practice Note and the Oran Park and Turner Road Section 94 Contributions Plan	The DA proposes a construction of part of The Hermitage Way which is a key piece of infrastructure. The DA also proposes the construction of two local roads. The proposed DA will allow for the future development and release of residential land. A SIC condition is also recommended to be applied to the proposed development in accordance with the SIC Practice Note	Yes
Part A, 3.1 Street Network and Design	<p>The street network is to be provided generally in accordance with Figure 2 and Figure 5</p> <p>Streets are to be provided in accordance with Tables 2 – 9. Tables 2 - 9 require the provision of a 11.2m carriageway width for The Hermitage Way and a minimum carriageway</p>	<p>The proposed construction of part of The Hermitage Way and 2 local streets is consistent with Figure 2 (Turner Road Precinct ILP).</p> <p>The proposed development is also consistent with Figure 5 (Street Network Plan)</p> <p>The proposed roads are wider than the minimum widths required by the DCP. The Hermitage Way proposes minimum carriageway width of 11.2m and the two local streets propose a minimum carriageway width of 9m</p> <p>However there is a</p>	<p>Yes</p> <p>No – DCP variation 1</p>

Control	Requirement	Provided	Compliance
	<p>width of 7.4m for local streets</p> <p>All streets and roundabouts are to be designed and constructed in accordance with Council's Engineering Specification</p> <p>Turning heads at the end of a cul-de-sac are to provide sufficient area for a large (12m long) rigid truck to make a three point turn with a minimum dimension of a 9m radius</p> <p>Street trees are required on all streets and must distinguish between public and private spaces, minimise risk to utilities and services, be durable, provide appropriate shade and provide for an attractive and interesting streetscape</p> <p>Any proposal for street tree planting within the road reserve is to include</p>	<p>proposed variation in the location of shared pedestrian/cyclist paths</p> <p>The proposed development has been designed in accordance with Council's Engineering Specification and a condition is recommended to ensure full compliance</p> <p>It is a recommended condition that temporary turning heads are provided for the proposed development where necessary</p> <p>A variety of street trees is proposed and comprise of native plant species including Magnolia grandiflora 'Exmouth" (Magnolia), Agapanthus blue (Lily of the Nile). These trees are all contained within the public realm, will provide sufficient shade and visual interest and will not adversely affect services and utilities</p> <p>As noted, the plant species proposed within the road reserve are of low maintenance and will not adversely impact</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ORD02

Control	Requirement	Provided	Compliance
	<p>appropriate detailed design that addresses access and manoeuvrability of heavy vehicles, street sweepers, cars and ongoing maintenance</p> <p>The location of street lighting is to be indicated in the engineering construction drawings and must be consistent with Council's <i>Landscape and Streetscape Elements Manual for Camden</i></p> <p>The minimum kerb radii for intersections with local roads must be 7.5m</p>	<p>on access and manoeuvrability of heavy vehicles, street sweepers, cars along and ongoing maintenance. The proposed plant species have been assessed by Council staff and are deemed to be suitable</p> <p>It is a recommended condition that all street lighting is indicated in the engineering construction drawings prior to the issue of a Construction Certificate. It is a recommended condition that the proposed street lighting be generally consistent with Council's <i>Landscape and Streetscape Elements Manual for Camden</i></p> <p>The proposed local roads have a minimum kerb radii of 7.5m</p>	<p>Yes</p> <p>Yes</p>
Part A, 3.2 Pedestrian and Cycle Network	<p>Key pedestrian and cycleway routes are to be provided generally in accordance with Figure 14</p> <p>The design of cycleways within the road reserve must be in accordance with Tables 2-9. The minimum width of a shared cycle</p>	<p>The DA proposes a variation to the location of pedestrian and cycle routes as shown in Figure 14</p> <p>The DA does not propose any shared pedestrian/cyclist paths and is therefore inconsistent with Tables 2-9</p>	<p>No - DCP variation 1</p> <p>No - DCP variation 1</p>

Control	Requirement	Provided	Compliance
	<p>and pedestrian pathway is 2.5m</p> <p>Paths to be compliant with "Planning Guidelines for Walking and Cycling" (DPI and RMS) and Council's "Pedestrian Access and Mobility Plan 2003"</p> <p>Paths in public spaces to be safe, well lit, clearly defined, functional and accessible to all (and comply with AS 1428 for disabled persons)</p> <p>Paths to be constructed as part of infrastructure works for each stage of residential subdivision</p>	<p>The proposed paths comply with the "Planning Guidelines for Walking and Cycling."</p> <p>The paths are also capable of complying with Council's "Pedestrian Access and Mobility Plan 2003", and a condition is recommended that the development be carried out in accordance with this plan</p> <p>The proposed roads will be adequately lit by street lights. The paths will be well defined by landscaping and a condition is recommended which requires compliance with AS 1428 for disabled access</p> <p>Pedestrian paths will be provided along the two proposed local roads however no pedestrian or shared pedestrian/cyclist paths will be provided along The Hermitage Way</p>	<p>Yes</p> <p>Yes</p> <p>No - DCP variation 1</p>
Part A, 3.3 Public Transport Network	<p>Bus routes are to be provided generally in accordance with Figure 15</p> <p>A minimum travel-way width of 3.5m is to be provided along all bus routes</p>	<p>The proposed roads can readily accommodate bus routes in accordance with Figure 15</p> <p>The proposed cross section for The Hermitage Way (which is an identified bus route) provides a</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>Bus stops are to be provided on-street and not within indented bays</p>	<p>minimum lane width of 5.6m to accommodate the bus route</p> <p>No indented bus bays are proposed as part of this DA. The location of bus stops will be determined by Council's local traffic committee at a later date and these will be provided on-street</p>	Yes
Part A, 6.2 Flooding Watercycle Management	<p>Management of minor flows using piped systems for the 20% AEP and 10% AEP must be in accordance with Camden Council's Engineering Design Specification</p>	<p>The management of all stormwater flows, including minor flows, fully comply with Camden Council's Engineering Design Specification</p>	Yes
	<p>Management of major flows using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage capacity and above the 20% AE must be in accordance with Camden Council's Engineering Design Specification</p>	<p>The management of major flows fully comply with Camden Council's Engineering Design Specification</p>	Yes
	<p>Where practical, development shall attenuate up to the 50%</p>	<p>The proposed stormwater strategies will ensure that up to the 50% AEP is</p>	Yes

Control	Requirement	Provided	Compliance
	<p>AEP peak flow for discharges into local tributaries, particularly Category 1 and 2 creeks</p> <p>The developed 1% AEP peak flow is to be reduced to pre-development flows through the incorporation of stormwater detention and management devices</p> <p>All development is to incorporate water sensitive urban design (WSUD) and a WSUD strategy must be submitted as part of any subdivision DA</p> <p>The WSUD strategy must demonstrate compliance with Table 10 Environmental Stormwater Objectives</p>	<p>attenuated</p> <p>As noted, the stormwater strategies proposed will ensure that post development flows match pre development flows</p> <p>The proposed development incorporates WSUD principles including water quality basins and soil erosion and sediment control measures</p> <p>The WSUD strategy complies with the requirements of Table 10</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Part A, 6.3 Salinity and Soil management	<p>Every subdivision DA for land identified in Figure 18 must be accompanied by a salinity report</p>	<p>The applicant has submitted a salinity report and management plan for the proposed development. This has been assessed by Council staff, is deemed to be acceptable and compliance with it is a recommended condition</p>	<p>Yes</p>

ORD02

Control	Requirement	Provided	Compliance
	<p>Groundwater recharge is to be minimised by directing runoff from paved areas into stormwater drains</p> <p>All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of the development</p> <p>All sediment and erosion controls are to be installed prior to the commencement of works and maintained throughout the course of construction</p>	<p>Groundwater recharge will be captured and disposed of through kerb and gutter and discharged into Council's drainage system</p> <p>The proposed development incorporates sufficient soil erosion and sediment control measures in accordance with Council's Engineering Specification. These measures include a surface inlet sediment trap, sediment fencing and filter rolls. These measures cover both during construction and following completion of the works</p> <p>It is a recommended condition that all sediment and erosion controls are installed prior to works commencing</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Part A, 6.6 Bushfire Hazard Management</p>	<p>Subject to detailed design at DA stage, the indicative location and widths of APZs are to be provided generally in accordance with Figure 21</p>	<p>The DA was referred to the NSW RFS in that the site was mapped as bush fire prone land at the time it was lodged. The RFS have issued a bush fire safety authority for the proposed development which will ensure the requirements of this control are met.</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
		Compliance with the RFS bush fire safety authority is a recommended condition	
Part A, 6.7 Tree Retention and Biodiversity	<p>The vegetation of moderate significance identified at Figure 22 is to be retained where possible</p> <p>A tree survey plan is to be submitted with each subdivision DA and must identify the type, location and condition of all existing trees and justification for their removal</p>	<p>None of the trees proposed to be removed are identified as being of moderate significance by Figure 22.</p> <p>The DA proposes the removal of 27 trees from the site. These trees are deemed suitable for removal, on the basis that The Hermitage Way is a key piece of infrastructure which is identified in the ILP in this location. In order to facilitate its construction these trees must be removed. Street tree planting is proposed to off-set any removal. In addition, the site is located within an area that that been biodiversity certified by the State government which allows trees to be removed to facilitate development of the South West Growth Centre</p> <p>Adequate details and justification for proposed tree removal has been submitted with the DA</p>	<p>Yes</p> <p>Yes</p>

ORD02

Control	Requirement	Provided	Compliance
	<p>Native vegetation must be provided where possible</p> <p>All subdivision design and bulk earthworks is to consider the need to minimise weed dispersion and eradication</p>	<p>Native plant species are proposed and include Magnolia grandiflora 'Exmouth" (Magnolia), Agapanthus blue (Lily of the Nile) and Sir Walter Buffalo Lawn</p> <p>The applicant has submitted details on the existing vegetation on site and identified no weed species. Council staff are satisfied that there will be no weed dispersal as a result of the proposed development. It is a recommended condition that any weed infestation that may occur on site is appropriately managed</p>	<p>Yes</p> <p>Yes</p>
<p>Part A, 6.8 Contamination Management</p>	<p>DAs for development in Areas of Environmental Concern (AEC) as identified in Figure 23 must be accompanied by a Phase 2 Detailed Environmental Site Investigation</p>	<p>This applicant has submitted a phase 2 contamination assessment and a remediation action plan (RAP) for the site in support of this DA.</p> <p>It is a recommended condition that the site be fully decontaminated in accordance with the submitted RAP and that a site validation report and site audit statement are submitted prior to the issue of a Subdivision Certificate. Subject to this occurring, the site will be made suitable for its intended use.</p> <p>A condition is also recommended in relation to unexpected</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
		contamination finds. It is therefore considered that the site is suitable for its intended use	
Part A, 8.3 Stormwater and Construction management	All development must be carried out in accordance with an approved Soil and Water Management Plan	The applicant has submitted details in relation to soil and water management which have been reviewed by Council staff and considered acceptable	Yes
Part A, 8.4 Waste Management	A Waste Management Plan (WMP) is to be submitted with all DAs	A WMP has been submitted which addresses the generation of construction waste. This has been assessed and is consistent with the requirements of this control	Yes

DCP Variation 1 – Location and Timing of Proposed Pedestrian and Cycle Network

DCP Control

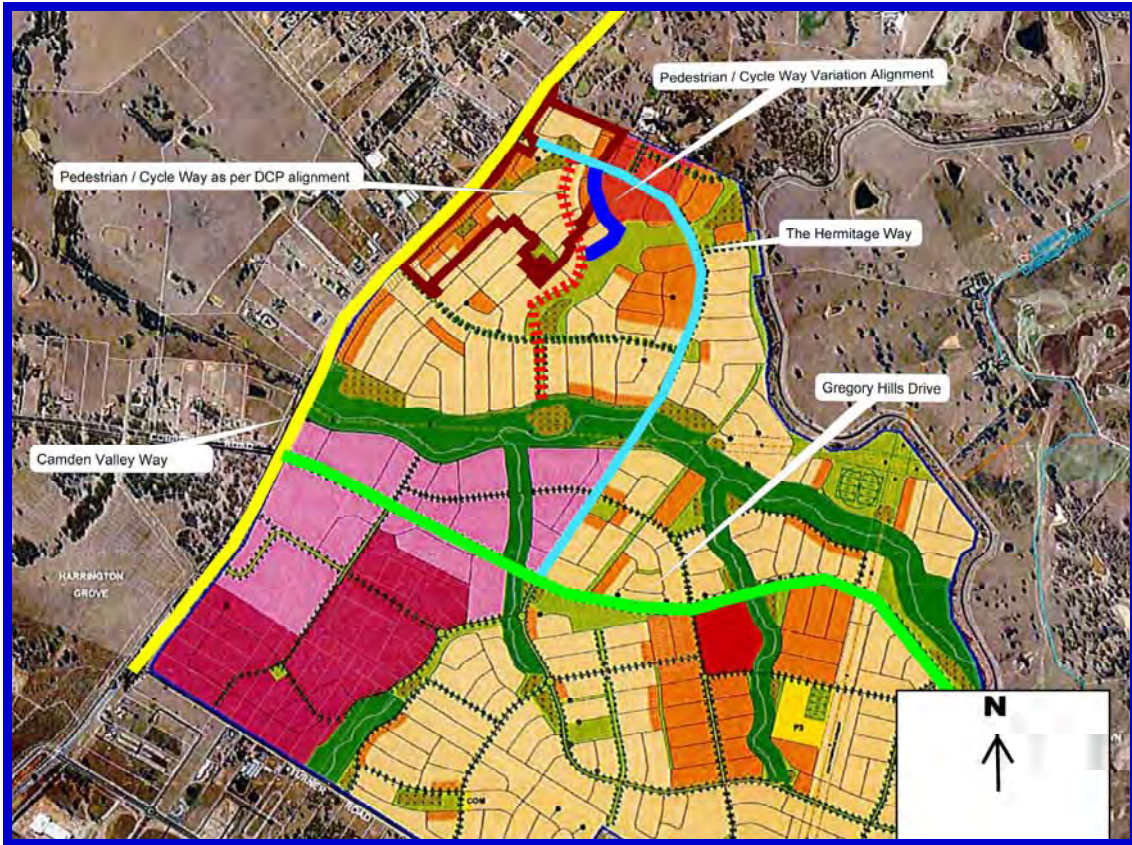
The DCP requires that key pedestrian and cycleway routes are provided generally in accordance with the Table 3. Table 3 requires the provision of a 2.5m shared path and a 1.2m footpath within The Hermitage Way.

The DA does not propose any paths along The Hermitage Way. The applicant has proposed that a shared path will be provided within the adjoining landscaped areas as this road approaches Camden Valley Way (subject to a future DA).

The DCP also requires that key pedestrian and cycleway routes are provided generally in accordance with Figure 14. Figure 14 provides for a shared pedestrian/cyclepath along proposed road 142.

The DA proposes to relocate the required shared path from proposed road 142 to along the future open space to the east. This path in the alternative location will be provided subject to a future DA. A 1.5m footpath is proposed on both sides of road 142 and 143.

A diagram showing the DCP required and proposed alternative location of the path is provided below:



Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- a shared path will be provided along The Hermitage Way within the adjoining landscaped areas as the road approaches Camden Valley Way and this does not adversely effect the overall intent of Figure 14. This shared path layout is consistent with the construction Fairbank Drive within Gledswood Hills to the south; and
- the relocation of the proposed 2.5m path from proposed road 142 to along the future open space to the east is considered more appropriate as it increases the separation of proposed residential development from the existing golf club house to the north.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the provision of a shared path within the future landscaped areas along The Hermitage Way is considered acceptable in that the same level of pedestrian/cyclist connectivity will ultimately be achieved, albeit via a slightly different path location;
- the relocation of the shared path will provide greater separation distances between vehicular traffic along The Hermitage Way and cyclists/pedestrians. A similar approach was previously taken with the shared path along Fairbank Drive to the south within Gledswood Hills;

- the relocation of the shared path from proposed road 142 to along the future open space to the east is considered acceptable in that having the path run through open space will result in better amenity for pedestrians/cyclist and increased passive surveillance of the open space; and
- no residential development either exists or is proposed in the vicinity of the proposed roads at this time. Consequently deferral of the paths' construction to a future DA is considered acceptable in that the paths are not essential at this time. Council staff will ensure that the paths are provided as part of subsequent residential development DAs which is a more appropriate time for them to be provided.

It is noted that Council staff have recently held preliminary discussions with the applicant (at their request) regarding the above.

Consequently, it is recommended that this proposed variation to the DCP be supported.

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sediment control measures have been proposed	Yes
B1.2 Earthworks	Minimise cut and fill and use clean fill	The proposed cut and fill is appropriate for the construction of this road in this location and it is a recommended condition that only clean fill be used	Yes

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

The applicant has entered into a Voluntary Planning Agreement (VPA) with Council in December 2012. The proposed development is located within Stage A of the VPA. Stage A identifies a portion of land for the purposes of water detention/quality immediately adjacent to the site. This is item 24 in Schedule 2 of the VPA.

The DA does not propose the construction or dedication of this item and the land identified for water quality/detention purposes will be the subject of a separate DA. This is acceptable as the VPA does not require the provision of this item at this time and the proposed development will not preclude the provision of this item in the future.

A standard condition is however recommended which requires full compliance with the VPA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) *Any submissions made in accordance with this Act or the Regulations*

The DA was publicly exhibited for a period of 30 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 12 September to 11 October 2013. 4 submissions were received (all objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper Supporting Documents.**

The following discussion addresses the issues and concerns raised in the submissions.

1. *Further details on the drainage plans for the development need to be provided on both PDF and DWG format. This should include details on the proposed overland flow paths and the models issued to determine the levels.*

Officer comment:

Drainage plans (in both pdf and dwg format) have been provided to Council and Council staff have made this documentation publicly available to the submission writers. The drainage plans include details on overland flow and modelling used to determine flood impacts. These plans have been assessed by Council staff and are compliant with the Turner Road DCP and Council's Engineering Specifications.

2. *The connection points into Camden Valley Way need to be defined clearly as the current plans are unclear in this regard.*

Officer comment:

The plans submitted to Council demonstrate the point of connection of the proposed The Hermitage Way road works with the new intersection works currently under construction by the RMS. The RMS has provided comment on the proposed development and are satisfied that it is consistent with their works.

The RMS has requested that a dual departure lane of 70m on The Hermitage Way at the intersection of Camden Valley Way/Springfield Road is provided and this is a recommended condition.

3. *A copy of the water quality design completed for the road design prior to the drainage leaving the site and contaminating Camden Valley Way is requested.*

Officer comment:

A copy of the water quality modelling report was submitted by the applicant and forwarded to the submission writer for their information. In addition, a detailed soil and water management plan is proposed to be prepared as part of the Construction Certificate documentation for the proposed road works.

The soil and water management plan will include the necessary interim sediment control devices and basins required to ensure that there is no impact on downstream water quality as a result of the proposed development.

Council staff are satisfied that the proposed development is compliant with the water quality objectives in the Turner Road DCP and Council's Engineering Specifications.

4. *Details on the proposed intent of the subdivision of Lot 5, DP 1175488 should be provided as these lots will ultimately connect to the proposed road and drainage network.*

Officer comment:

The site is zoned R1 General Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and in accordance with the ILP contained within the Turner Road DCP, lot 5, DP 1175488 will be redeveloped via a residential subdivision comprising a mix of low density and medium density residential development.

The redevelopment of lot 5 for residential purposes will also contain the necessary noise attenuation measures, stormwater quantity and quality control basins and local open space. The details of this will be the subject of a separate DA. The proposed development is consistent with the anticipated redevelopment of lot 5.

5. *Stormwater modelling must be undertaken to ensure that properties to the west will not be adversely affected by the proposal.*

Officer comment:

The stormwater management strategy submitted with the DA provides an analysis of the three catchments affected by the proposed development and identifies the quantity of water that will be generated by the proposed roads.

Council staff are satisfied that the stormwater modelling undertaken is sufficient and properties to the west of the site will not be adversely impacted as a result of the DA.

6. *Future service plans and road network plans are required so adjacent residents are aware of the potential impact that may affect their properties.*

Officer comment:

It is noted that in accordance with the ILP contained in the Turner Road DCP, no further road connections to Camden Valley Way will be proposed from the site. Road access to the site will be restricted to the new Camden Valley Way/Springfield Road/The Hermitage Way signalised intersection currently under construction and the existing intersection of Camden Valley Way and Fairbank Drive. It is noted that once the new Camden Valley Way/Springfield Road/The Hermitage Way signalised intersection becomes operational, the Camden Valley Way/Fairbank Drive intersection will be restricted to a left in/left out only arrangement.

7. *Stormwater from the proposed development will flow directly into a culvert located in front of a property at 769 Camden Valley Way and increase the flood affectation on that property.*

Officer comment:

Stormwater runoff from the proposed development will not increase the flood affectation of 769 Camden Valley Way. In accordance with the Turner Road DCP, the proposed development is required to install the necessary stormwater detention measures to ensure that the post development flows do not exceed pre development flows. A number of conditions have been recommended to ensure this.

In addition, the stormwater concept plan and strategy lodged in support of the DA proposes to partially direct stormwater flows through the existing residential subdivision along Lilydale Avenue. The stormwater drainage system along Lilydale Avenue ultimately discharges to South Creek to the south. Council staff are satisfied that there will be no adverse flood impacts on No.769 Camden Valley way as a result of the proposed development.

8. *The Hermitage Way should be fully constructed to enable traffic flow and reduce any adverse impacts on the surrounding road networks. Details of the staging/timing of this are required.*

Officer comment:

It is the developer's intention to ultimately construct the full length of the Hermitage Way within their land holding. However, the proposed works are an interim measure to ensure that the existing residential development within the southern half of the site has full access to and from Camden Valley Way once the new Camden Valley Way/Springfield Road/The Hermitage Way signalised intersection becomes operational, as the site's Camden Valley Way/Fairbank Drive intersection will then be restricted to a left in/left out only arrangement.

This interim arrangement has ben assessed and it is considered that it will not have any adverse impacts on any surrounding road networks.

9. *The position of The Hermitage Way linking the Turner Road DCP to the adjoining East Side lands and to Raby Road does not align with the position of adjoining roads on the east side lands.*

Officer comment:

The proposed road locations comply with the Turner Road DCP.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, Environmental Planning Instruments, Development Control Plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Rural Fire Service (RFS)

When originally lodged, the DA was referred to the RFS for assessment as the development proposed the subdivision of residentially zoned bush fire prone land and was therefore classed as Integrated Development pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*.

However, following a review of Council's bush fire prone land map, the site is no longer mapped as being bush fire prone.

The RFS have issued a bush fire safety authority for the proposed development and compliance with this is a recommended condition.

Roads and Maritime Service (RMS)

The DA was referred to the RMS for comment in that it proposes the construction of a road (The Hermitage Way) connecting into a stub which is to be constructed by the RMS which ultimately connects into Camden Valley Way. This intersection will be a signalised intersection. The RMS has provided comment on the DA and has recommended that a dual departure lane of 70m on The Hermitage Way at the intersection of Camden Valley Way/Springfield Road is provided and this is a recommended condition.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 727/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
7005/295	Plan of Proposed Subdivision	YSCO Geomatics	23 August 2013
9553/DA402 Revision B	The Hermitage Link Road – Site Plan	J.Wyndham Prince	25 August 2013
9553/DA403 Revision B	The Hermitage Link Road – Layout and Drainage	J.Wyndham Prince	28 August 2013
9553/DA404 Revision B	The Hermitage Link Road – Typical Cross Sections (Road 141)	J.Wyndham Prince	28 August 2013
9553/DA405 Revision B	The Hermitage Link Road – Typical Cross Sections (Road 142 & 143)	J.Wyndham Prince	28 August 2013
9553/DA406 Revision B	The Hermitage Link Road – Roundabout Setout	J.Wyndham Prince	28 August 2013
9553/DA407 Revision B	The Hermitage Link Road – Soil & Water Management Plan	J.Wyndham Prince	28 August 2013
9553 DA Application Herm 280813	Stormwater Management Strategy	J.Wyndham Prince	28 August 2013
9553 DA Application RES 161013	Stormwater Management Strategy – Response to Council's Correspondence	J.Wyndham Prince	16 October 2013
9553/SK33	The Hermitage Link Road – Figure 1 Catchments	J.Wyndham Prince	28 August 2013
DA 01 Revision 02	Street Tree Planting Plan	Tract	28 August 2013
DA 02 Revision 02	Median Planting and Details	Tract	28 August 2013
34295.27	Remediation Action Plan	Douglas Partners	August 2013
34295.26	Salinity Investigation and Management Plan	Douglas Partners	August 2013

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations and road median plantings.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

Prior to Council accepting the maintenance responsibility, at the completion of the 12 month landscaping maintenance and establishment period, all landscaping elements, including any nature strip and road verge areas, road median plantings, street trees, street tree protective guards and bollards, must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

- (3) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011.

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads and Maritime Services, Camden Council prior to the issue of any Construction Certificate.

- (4) **Sewer Access Chambers and Mains** -
- (a) No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
 - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- (5) **Services** -
- (a) All services within the subdivision shall be underground.
 - (b) All service connections to existing works in Council's Road Reserve require a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owner's permission (i.e. Camden Council).

- (6) **Location of the "Construction" On-site Detention/Sediment Control Basin** - A "construction" on-site detention/sediment control basin must be provided for within the site.

- (7) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
- (a) within any proposed public road and/or drainage reserve contained within the site,
 - (b) within any proposed residue lot contained within the site,
 - (c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the *Conveyancing Act 1919*, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.
- (8) **Remediation Action Plan** - All works proposed as part of the Remedial Action Plan that includes: remediation, excavation, stockpiling, offsite disposal, asbestos removal, fill, backfilling, compaction, monitoring, validations, site management and security, health and safety of workers, must be undertaken in accordance with the Remediation Action Plan "Remedial Action Plan AEC 9,10,11 and remaining Asbestos pipe system and Greens and Tees, The Hermitage Gledswood Hills, prepared by Douglas Partners project 34295.27" dated August 2013, except as expressly provided by a separate condition of this consent.
- Any variation or modification to the Remedial Action Plan in terms of compliance work must be requested from the Consent Authority.
- (9) **Stripping Topsoil from Tees and Greens** - Topsoil on any existing tees and greens affected by the works is to be stripped and placed in accordance with the following criteria which must also be incorporated on engineering plans for earthworks and civil works.
- (i) Tees and greens are to be surveyed and their extents shown on all earthworks and civil works plans.
 - (ii) Excavated topsoil must be stripped and immediately placed in a suitable location within the site. The location must be nominated on the engineering plans. Stockpiling of the stripped topsoil is not permitted.
 - (iii) Stripping depth shall be minimum 500mm.
 - (iv) Stripping of the topsoil from tees and greens shall extend 1m beyond their surveyed extents.
 - (v) Once placed, the stripped topsoil shall be covered with a capping layer of clean fill, minimum thickness 2 meters.
- (10) **Off-Site Disposal of Contaminated Soil/Materials** - All contaminated materials (that includes asbestos material) proposed to be disposed off-site must be disposed to a Licensed Landfill Facility able to accept the classification of waste material.
- (11) **Work Cover Authority** - All remediation work must comply with relevant requirements of NSW Work Cover Authority.

- (12) **Licenses** - It is the responsibility of the applicant/land owner/site operator to ensure that all relevant licenses are obtained from all appropriate authorities in accordance with relevant legislation requirements prior to the commencement of remediation works.
- (13) **Compliance of Remediation Work** - All remediation work must comply with the following requirements:
- Contaminated Land Management Act 1997;
 - Department of Urban Affairs and Planning - Contaminated Land Planning Guidelines 1998;
 - SEPP 55 - Remediation of Land;
 - Deemed State Environmental Planning Policy No 20 Hawkesbury-Nepean River (No. 2 - 1997); and
 - Camden Council's Adopted Policy for the Management of Contaminated lands.
- (14) **RMS Requirement** - A dual departure lane of 70m on North Spine Road (The Hermitage Way) at the intersection of Camden Valley Way/Springfield Road must be provided and details of this dual departure lane must be submitted to the RMS prior to the issue of a Construction Certificate.
- (15) **Works/Regulatory Signposting** – All works/regulatory signposting associated with the proposed development are to be at no cost to Council or the RMS.
- (16) **NSW Rural Fire Service (RFS) Requirements** - All the requirements of the letter from RFS to Camden Council dated 20 September 2013 must be fully complied with at all times.
- (17) **Noxious Weeds** -
- (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
 - (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate:

- (1) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications, and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued.

Note:

- (a) Under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) Under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (4) **Soil Erosion and Sediment Control Plans** - Soil erosion and sediment controls must be designed and installed in accordance with Camden Council's current Engineering Design Specifications.
- (5) **Provision of Kerb Outlets** – Where the location of future proposed lots is known, which grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:
- (a) located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
 - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and
 - (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.

- (6) **Performance Bond** - Prior to the issue of the Construction Certificate, a performance bond of \$50,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **Geotechnical Report** - The developer must engage an approved geotechnical consultant to prepare a report to be submitted to the Certifying Authority for approval prior to a Construction Certificate being issued. The report must cover, but not be limited to:
- (a) extent and stability of proposed embankments (particularly those acting as retarding basins);
 - (b) recommended geotechnical testing requirements;
 - (c) required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - (d) compaction specification for all fill within private subdivisions;
 - (e) the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas must be identified on a plan and the engineering plans must be amended to indicate that no vibratory roller must be used within that zone;
 - (f) the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - (g) the preferred treatment of any unstable areas within privately owned allotments;
 - (h) requirement for sub-surface drainage lines;
 - (i) overall suitability of the engineering plans for the proposed development.
- (8) **Road Design Criteria** - Dimensions and pavement design details for proposed roads must align with the following:

ROAD NO	ROAD RESERVE	CARRIAGEWAY	FOOTWAY	DESIGN E.S.A'S	COMMENTS
141	20.4 & Var	11.2 & Var	4.6	2 x 10 ⁶	Ch 220-255
141	21.8 & Var	12.6 & Var	4.6	2 x 10 ⁶	Ch78.69-220
142	20	9.0	5.5	5 x 10 ⁵	
143	20	9.0	5.5	5 x 10 ⁵	

(Measurements are in metres)

The pavement design/report shall be prepared by a person with experience in the geotechnical aspects of earthworks and endorsed by a Practising Engineer with National Professional Engineering Registration and a Specific Area of Practice in Subdivisional Geotechnics.

Design parameters shall also comply with the provisions of Camden Council's current Engineering Design Specification and be submitted to the Certifying Authority.

- (9) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of any issued Roads Authority (Roads and Maritime Services, Camden Council) approval. Further, all such work must be completed to the satisfaction of the Roads Authority, prior to the issue of any Subdivision Certificate.
- (10) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc. shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (11) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (12) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 of the *Roads Act 1993* must be obtained from the Roads Authority for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage;
- (b) footway formation;
- (c) public utility service adjustment or installation; and
- (d) an Environmental Site Management Plan.

Further, all such plans and documents associated with the design must be certified by:

- (a) persons who are suitably accredited by a scheme approved by the NSW Department of Planning, or where no scheme exists,
- (b) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- (c) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and prepared in accordance with Camden Council's current Engineering Design Specifications.

- (13) **Location of Drainage Pits** – The location of drainage pits must be in accordance with Camden Council's current Engineering Design Specifications and Engineering Construction Specifications.
- (14) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the Roads and Maritime Services where applicable). Plans and proposals must be approved by Council prior to the Construction Certificate being issued.

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- (15) **Public Utility Service Plans** – Public Utility Service plans shall be submitted to the Certifying Authority for inclusion in any Construction Certificate application. The plan/s shall:
- (a) be prepared by a designer accredited by a scheme approved by relevant Public Utility Service Authorities,
 - (b) be suitable for approval by relevant Public Utility Service Authorities,
 - (c) incorporate any relevant conditions associated with this Development Consent, and
 - (d) recognise all provisions and requirements of the current Streets Opening Conference.
- (16) **Desilting Dams or Creeks** - A geotechnical report must be submitted detailing works required to desilt any existing dams or creek beds in conjunction with the engineering drawings prior to the Construction Certificate being issued. Such report must be prepared by a suitably qualified and experienced Geotechnical Engineer.
- (17) **Design of “Construction” On-site Detention/Sediment Control Basin** - The design of the “construction” on-site detention/ sediment control basin and water quality facility must be prepared in accordance with the requirements of:
- (a) for sediment control generally, Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom,
 - (b) Camden Council’s current Engineering Design Specification,
 - (c) and must not concentrate final discharge flows from the facility.
- The construction of the on-site detention/sediment control basin must contain an impervious layer to provide water harvesting.
- The design must be prepared and certified by an Accredited Certifier and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.
- (18) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.
- (19) **Line Marking and Signposting** – All on-road regulatory signage, line marking and devices are subject to the concurrence of the Camden Local Traffic Committee prior to the issue of the Construction Certificate.
- (20) **Roads and Maritime Services** - Written evidence must be obtained from the Roads and Maritime Services indicating compliance with its requirements, including the payment of any necessary supervision fees, prior to the issue of the Construction Certificate.
- (21) **Temporary Turning Facility** – Prior to the issue of a Construction Certificate, temporary turning/manoeuvring facilities shall be demonstrated with the

application for the Certificate. The facility shall be designed in accordance with Camden Council's Engineering Specifications.

- (22) **Drainage Design** - A stormwater management plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point.
- (2) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000 shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (3) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (4) **Sedimentation and Erosion Control** - Sedimentation and erosion control measures are to be installed prior to any soil remediation or excavation activity and maintained for the full period of works.
- (5) **Erection of Signs** – Erection of signs must be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (6) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the soil and water management plan prior to the release of the construction certificate.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

(1) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:

- (a) all vehicles transporting material from the site, cover such material so as to minimise sediment transfer;
- (b) the wheels of vehicles leaving the site:
 - (i) do not track soil and other waste material onto any public road adjoining the site,
 - (ii) fully traverse the Stabilised Access Point (SAP).

(2) **Subdivision, Building and Demolition Work Hours** - All such work must be restricted to the following hours:

- a) between 7.00am and 6.00pm, Mondays to Fridays (inclusive);
- b) between 8.00am to 5.00pm on Saturdays;

Work is prohibited on Sundays and Public Holidays.

(3) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
- (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
- (c) builder’s operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from

these activities shall be contained on site and disposed of in an appropriate manner;

- (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (4) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (5) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Construction of the "Construction" On-site Detention/Sediment Control Basin** - Prior to the commencement of any other subdivision work the "construction" on-site detention/sediment control basin and the associated immediate stormwater drainage system must be constructed:
- (a) in accordance with the approved plans; and
 - (b) to the requirements of the Principal Certifying Authority.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (7) **Fencing of the "Construction" On-site Detention/Sediment Control Basin** – Any "construction" on-site detention/ sediment control basin must be enclosed by a 2.1m high security fence of a type approved by the Consent Authority (Camden Council). Any such fence is to be continually maintained and is to remain in place until this facility is removed or reconstructed to a temporary/permanent water quality facility.
- (8) **Construction Access** – No construction access will be permitted through the existing Gledswood Hills residential developments off Fairbank Drive.

- (9) **Pavement Design** – A pavement design for all proposed roads and access ways, prepared by a suitably qualified Geotechnical Engineer, must be submitted to and approved by the Principle Certifying Authority prior to road works proceeding past subgrade level. The design must be based upon Council’s Pavement Design specification and also address circumstances which may increase the traffic loading due to staging and construction traffic.
- (10) **Contingency for Unexpected Finds** - Should unexpected conditions be encountered during demolition, remediation or construction phases of the redevelopment the following general approach must be adopted:
- (i) Notify the Principal Representative (PR) of the occurrence;
 - (ii) Place a barricade around the affected are and cease work in that area;
 - (iii) Notify the environmental consultant for the assessment of the severity of the find in terms of the potential impact to human health and the environment;
 - (iv) Provision of advice from the Environmental Consultant to the PR and Site Auditor regarding the recommended course of action;
 - (v) Obtain necessary approvals from the Site Auditor and Camden Council;
 - (vi) Implementation of the agreed management / remedial strategy.
- (11) **Remediation Works Inspections** - A qualified environmental scientist and occupational hygienist will be required to frequently inspect the remediation works during actual remediation to confirm compliance with the RAP and all health and safety requirements.
- (12) **Soil and Water Sampling** - A qualified and experienced environmental consultant must undertake all validation sampling.
- (13) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be submitted to the Council at the completion of the development.
- (14) **Offensive Noise, Dust, Odour and Vibration** - Remediation work shall not give rise to offensive noise, dust, odour and vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (15) **General Requirement** - All activities associated with the development must be carried out within the site boundaries as determined by the development application, and must be carried out in an environmentally satisfactory manner as defined under Section 95 of the *Protection of the Environment Operation Act 1997*.
- (16) **Location of Stockpiles** - Stockpiles of soil material should not be located on/near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials

shall be suitably covered to prevent dust and odour nuisance. Stockpiling shall only occur within the bounds of the defined site.

- (17) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (18) **Fill Material** - Prior to the importation and/or placement of any fill material, including Remediation works on the subject site a validation report and sampling location plan for such material must be submitted to the Principal Certifying Authority for approval and concurrence.

The validation report and associated sampling location plan must: -

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practicing engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
- (ii) is free of contaminants;
- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use, and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- (e) less than 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:-

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

(19) **Salinity Resistant Construction** - All construction/infrastructure works on site shall be carried out in accordance with "Report on Salinity Investigation and Management Plan-The Hermitage Way project 34295.26" dated August 2013 prepared by Douglas Partners.

(20) **Construction Noise Levels** - Noise levels emitted during remediation/ construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

(21) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill / rubbish / asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlns/index.htm).

Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

(22) **Lighting Requirements** – Street lighting must be generally consistent with Council's *Landscape and Streetscape Elements Manual for Camden*.

(23) **Path Requirements** – All proposed paths must comply with Council's *Pedestrian Access and Mobility Plan 2003*.

(24) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:

(a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed,

relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

- (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

5.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works or the date of the issue of the compliance certificate in the case of development works.

Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

- (2) **Bond for Final Layer of Asphaltic Concrete** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the placement of the final layer of asphaltic concrete wearing course on all proposed public roads within this subdivision.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 130% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

- Note 2:** It should be noted that Council will not refund/release the bond until;
- (a) the work has been completed to the requirements of Camden Council, and/or
 - (b) where applicable a suitable replacement bond is submitted.
- (3) **Compliance Certificate** - Prior to the issue of the Subdivision Certificate, the applicant must submit to Council documentary evidence/ compliance certificate to confirm compliance with all conditions of the subject consent.
- (4) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.
- (5) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (7) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (8) **Footpath Construction Bond** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a monetary bond with Camden Council for the construction of a concrete footpath and/or pedestrian/cycle shared way. This applies only where such a Facility is located in existing and/or proposed public land.

The bond is to be in the form of cash or an unconditional bank guarantee in favour of Camden Council, and must be equivalent to 200% of the value of the works, including the cost of all reinstatement works, with the estimated cost of such work being determined by reference to Council's current Schedule of Fees and Charges.

The work is to be completed within 5 years from the registration of the Subdivision Certificate/Plan of Subdivision or when Occupation Certificates for dwellings associated with 80% of the lots created by a subdivision adjoining such road have been issued.

Camden Council reserves the right to claim against the bond at any time.

Note 1: An administration fee, in accordance with Council's current Schedule of Fees and Charges, is applicable for the processing of bonds.

Note 2: It should be noted that Council will not refund/release the bond until;

- (a) the work has been completed to the requirements of Camden Council, and/or
 - (b) where applicable a suitable replacement bond is submitted.
- (9) **Street Signs** – Street signs are to be installed in accordance with the requirements of the Principal Certifying Authority (PCA) and the Roads Authority, Camden Council and prior to the issue of any Subdivision Certificate.
- (10) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council’s current Engineering Design Specifications.
- (11) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (12) **Services** - Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
- (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.
- Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
- (b) a Notification of Arrangements from Endeavour Energy.
 - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (13) **Subdivision Certificate Release** - The issue of a Subdivision Certificate is not to occur until all conditions of this consent have been satisfactorily addressed and all engineering works are complete unless otherwise approved in writing by the Principal Certifying Authority.
- (14) **Sydney Water Service Covers** – Prior to the issue of any Subdivision Certificate all Sydney Water service covers i.e. hydrants, stop valves etc., are to be made clearly identifiable by the installation of coloured raised reflective pavement markers placed at the centreline of the road opposite the hydrant so as to comply with AS 2419.
- (15) **Modified “Construction” On-site Detention/Sediment Control Basin and Water Quality Facility, Operation, Maintenance and Monitoring Manual** - Prior to the completion of the modified “construction” on-site detention/sediment control basin and water quality facility, an Operation, Maintenance and Monitoring Manual must be submitted to the Principal Certifying Authority for

approval.

The manual must be prepared by a suitably qualified professional in accordance with the requirements of Managing Urban Stormwater – Soils and Construction, Volume 1, 4th Edition, March 2004 as produced by Landcom and must provide detailed information regarding the following:

- (a) method of desilting
- (b) method of removal of sediment and gross pollutants
- (c) method of removal of noxious weeds.

Water quality sampling should be undertaken for all relevant water quality parameters contained within the approved “Water Cycle Master Plan”. Samples are to be taken from the inlet point of the “on-site detention / sediment Control Basin” and the outlet point of the “Water Quality Facility”.

The frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months between sampling periods.

Water quality sampling and monitoring results/reports are required and must be submitted to the Council within one (1) month after each complete quarterly sampling period.

- (16) **Bond for the Decommissioning of the Modified “Construction” On-site Detention/ Sediment Control Basin and Water Quality Facility** - Prior to the issue of any Subdivision Certificate a bond for:

- (a) the conversion of the modified “construction” on-site detention/sediment control basin and water quality facility to a temporary/permanent water quality facility, and/or
- (b) the removal of the modified “construction” on-site detention/ sediment control basin and water quality facility and reinstatement of the area in accordance with the approved plan

must be lodged with Camden Council.

The bond:

- (a) applies only where such a facility is located in existing and/or proposed public land,
- (b) has been determined at an amount of \$50,000, and
- (c) will be retained by Council until:
 - (i) such works have been completed in accordance with the approved plans and to the requirements of Council,
 - (ii) a permanent water quality facility has been provided in a public infrastructure location approved by Council, and

(iii) the completion of such work has been confirmed, in writing, by Council.

- (17) **Demolition of Temporary Water Quality Facilities** – Any temporary water quality facility will be made redundant upon the provision of an approved permanent water quality facility. In that regard the temporary water quality facility must be demolished and the area containing the facility reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system is to be rectified to the requirements of Camden Council.

Prior to the commencement of any such demolition all contributing stormwater flows to the facility must be diverted to the permanent water quality facility by way of a stormwater drainage system approved by Camden Council.

- (18) **Modification of the “Construction” On-site Detention/ Sediment Control Basin** – After three (3) months of the registration of the Subdivision Certificate/Plan of Subdivision by the Department of Lands – Land and Property Information, the “construction” on-site detention/sediment control basin must be modified to include a water quality component.

The water quality component must have the following:

- (a) a filter medium must be included in the design.
 - (b) 50% of the total number of “macrophyte” type plants, the details of which are noted on the approved plans, must be planted within the filter medium area.
- (19) **Link to Camden Valley Way** – No Subdivision Certificate will be issued for this development until the intersection construction at Springfield Road by the Roads and Maritime Services, which includes the link onto the North Spine Road (The Hermitage Way), is completed and fully operational.
- (20) **Show Easements on The Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (21) **Show Restrictions on The Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (22) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
- (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
- (23) **Section 88B Instrument** - The developer must prepare a Section 88B Instrument, for approval by the Principal Certifying Authority, which incorporates the following easements, restrictions to user and public positive covenants:

- (a) Public positive covenant, over the proposed lot/s containing any:
- (I) modified “construction” on-site detention/sediment control basin and water quality facility, and/or
 - (II) permanent water quality facility,

for the maintenance, repair and insurance of such a facility.

(24) **Installation of Street Trees and their Protective Guards and Bollards –**

- (a) All street trees at time of planting must have well constructed tree guard protection installed. Bollards are considered acceptable as one form of tree guard. If bollards are used then they are to be in minimum 1.8m lengths, which will allow for 1.2m above ground exposure and .6m buried support. Bollards are to be a minimum 150mm x 150mm width. If timber bollards are to be used then they need to have a minimum durability of H4 CCA.
- (b) All street trees are to have root barrier installation to the kerb.
- (c) Prior to the issue of the Subdivision Certificate, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored.
- (d) Any repairs, relocations, installations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.

- (25) **Site Validation Report** – Prior to the issue of a Subdivision Certificate, a validation report incorporating a notice of completion must be submitted to the Consent Authority in accordance with the remediation works contained within this Development consent and Development Consent 98/2011. The requirements of clause 7.2.4 (a) - (d) and clause 9.1.1 of Council's adopted policy and clause 17 & 18 of SEPP 55 for the completed remediation works.

The notice/s or report/s must confirm that all decontamination and remediation works have been carried out in accordance with the remediation plan and must be submitted to the Consent Authority within 30 days following the completion of the works.

- (26) **Site Audit Statement** - At the conclusion of all remediation works proposed under this development consent the applicant shall have all remediation work and validation documentation reviewed by an independent NSW Site Auditor accredited by the Environment Protection Authority under the Contaminated Land management Act 1997. The auditor shall undertake a full site audit of the works and documentation and provide a Site Audit Statement (SAS) that clearly states if the land is suitable for the intended use. The SAS must be submitted to

the Consent Authority (Camden Council) within 30 days following the completion of the remediation.

Note – Where the SAS is subject to conditions that require ongoing review by the Auditor or Council, these conditions need to be discussed with Council before the SAS is issued.

- (27) **Works As Executed Plan** - A works as executed plan that identifies the areas requiring remediation and the extent of the works undertaken (that includes any encapsulation work) must be prepared by a registered surveyor and be submitted to the Consent Authority (Camden Council) with the final Site Validation Report.
- (28) **Voluntary Planning Agreement (VPA)** – The development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council and SH Camden Valley Pty Limited (As Trustee for SH Camden Valley Unit Trust) , pursuant to Section 93F of the *Environmental Planning and Assessment Act 1979*, dated December 2012.
- (29) **Special Infrastructure Contribution** - Prior to the issue of any Construction Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Infrastructure that a special infrastructure contribution has been made (if required) in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website:

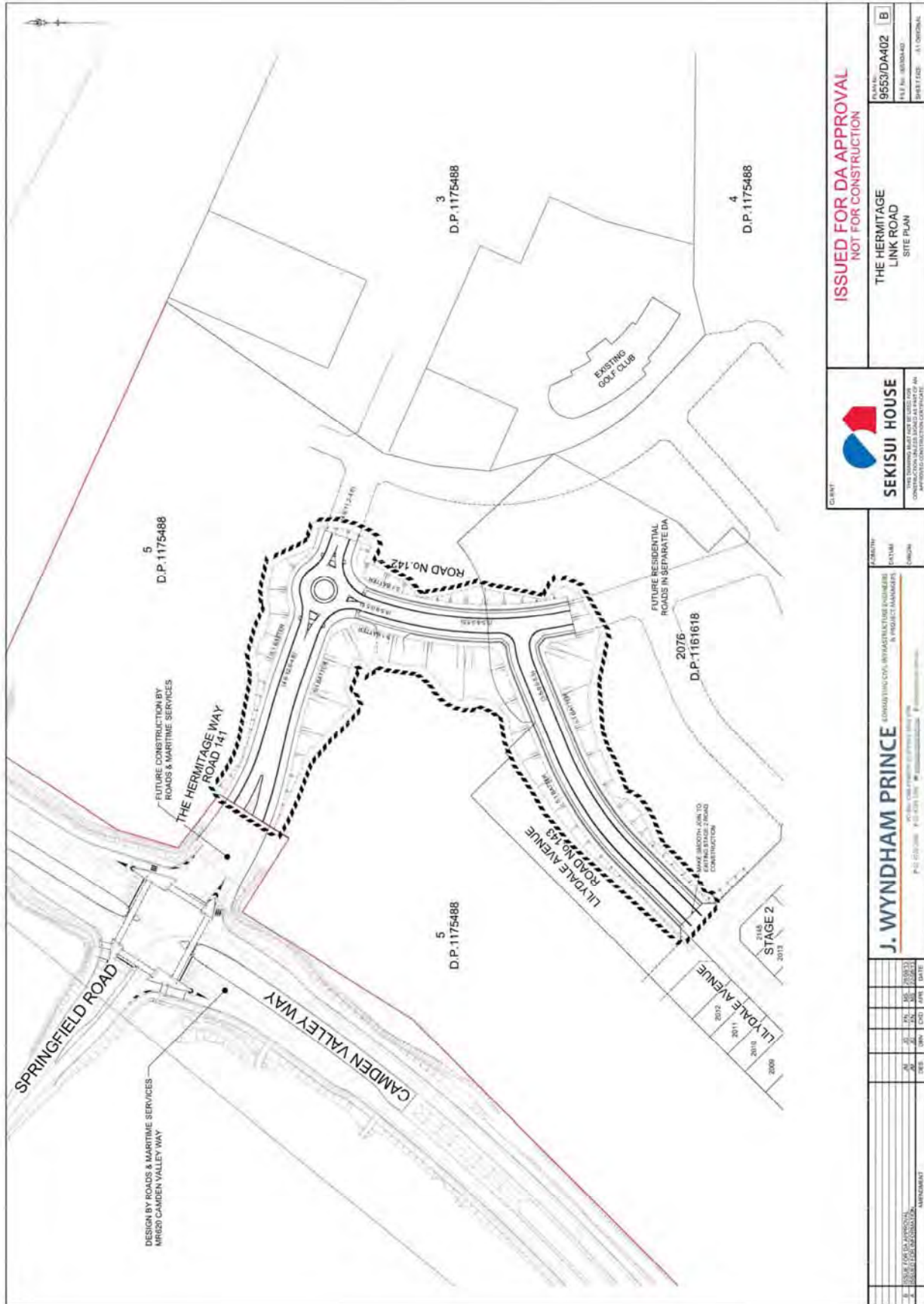
www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx.

RECOMMENDED

That Council approve DA727/2013 for the construction of new public roads and associated site works at 810C Camden Valley Way and 29 Tarrawarra Avenue, Gledswood Hills subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Submissions - *Supporting Document*
3. Public Exhibition and Submissions Map - *Supporting Document*

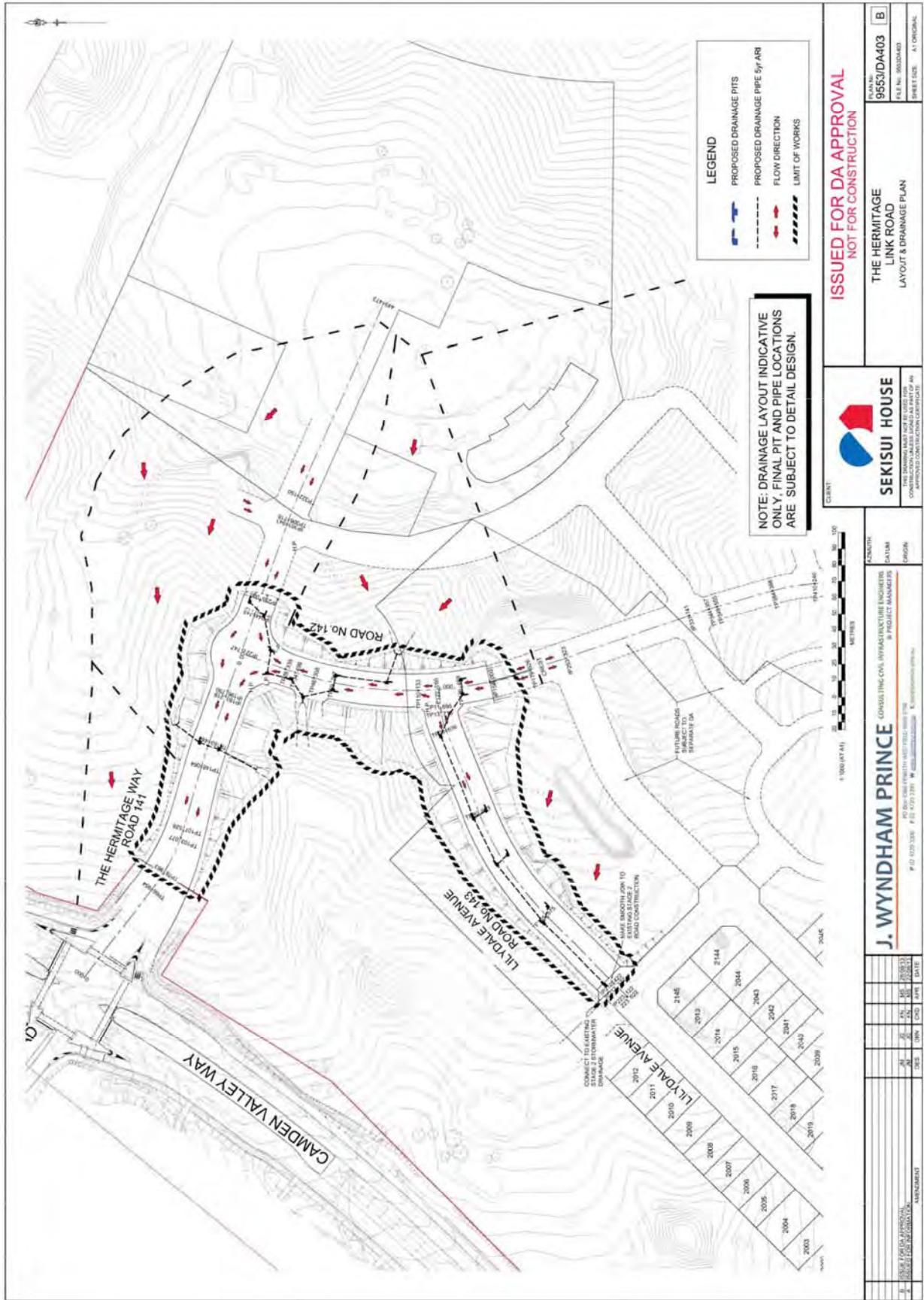


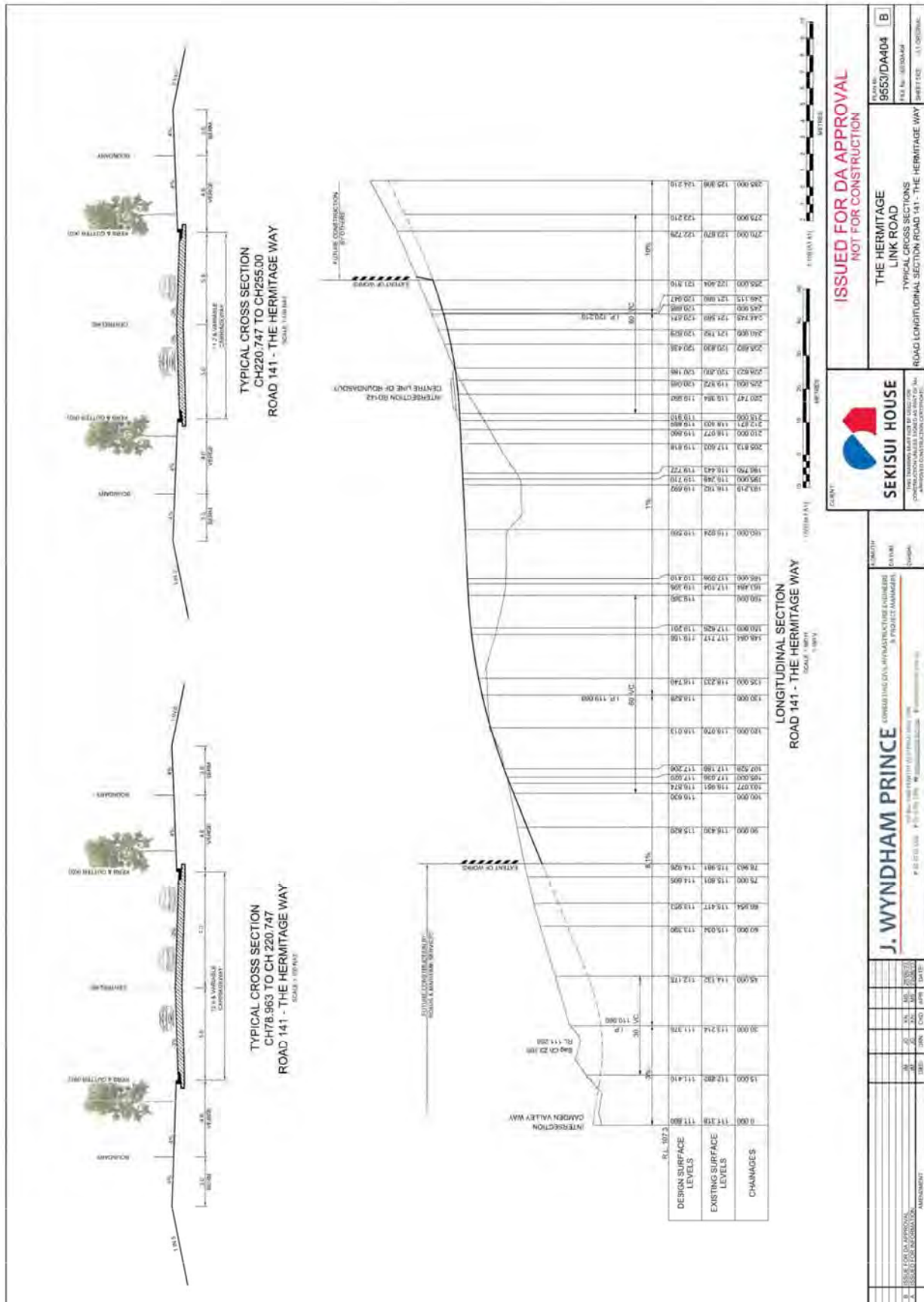
ORD02

Attachment 1

ORD02

Attachment 1



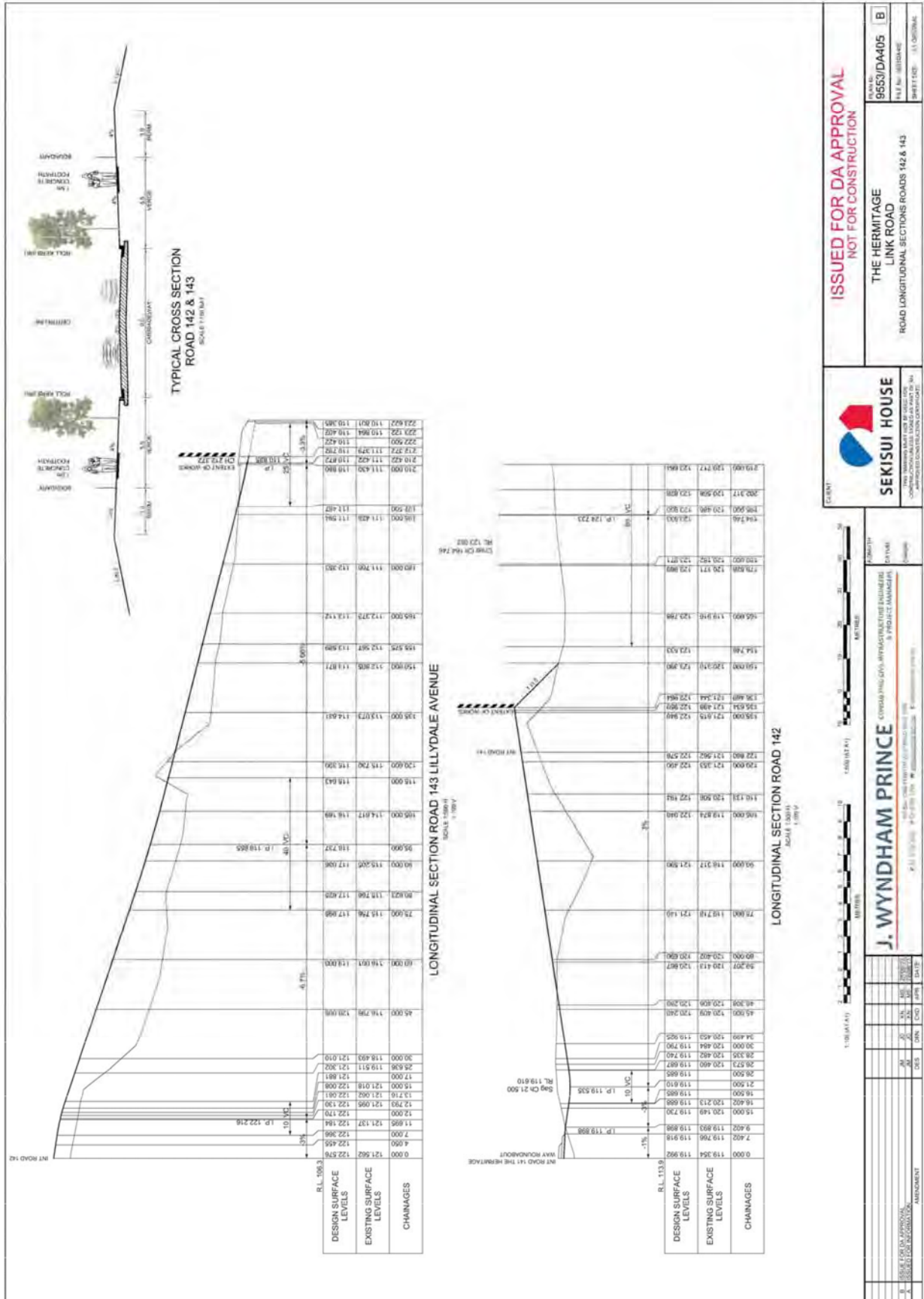


ORD02

Attachment 1

ORD02

Attachment 1





ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: USE OF LAND AS A MARKET GARDEN AND ASSOCIATED SITE WORKS, 13 HULLS ROAD, LEPPINGTON

FROM: Director, Development & Health

TRIM #: 13/39579

APPLICATION NO: 638/2013

PROPOSAL: Use of land as a market garden and associated site works

PROPERTY ADDRESS: 13 Hulls Road, Leppington

PROPERTY DESCRIPTION: Lot 17, DP 28057

ZONING: RU4 Primary Production Small Lots

OWNER: Mr K V Tran & Mrs L Lam

APPLICANT: Canley Vale Nursery

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the use of land as a market garden and associated site works at 13 Hulls Road, Leppington.

The DA is referred to Council for determination as there remain unresolved issues received in two submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 638/2013 for the use of land as a market garden and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the use of land as a market garden and associated site works at 13 Hulls Road, Leppington.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. Two submissions were received (both objecting to the proposed development). **A copy of the submissions is provided with the Business Paper Supporting Documents.**

The issues raised in the submissions relate to impacts upon privacy and security, loss of property value, odour, traffic and noise impacts, increased dust and dirt and amenity impacts from lighting.

In relation to privacy, the applicant has advised that customers will park their cars at the front of the site and go no further into the site than the location of the dam which is approximately 100m from the nearest dwelling. In addition, tree planting along the site's northern and western boundaries (consisting of fruit trees, waratahs and paperbarks) is proposed to further protect the privacy and security of adjacent properties and restrict views into and out of the site.

The impact on property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* in the assessment of a DA. However there is no evidence to suggest that the proposed development will have adverse economic impacts on surrounding property values.

Market gardening can produce odour from the use of chemicals, however it is considered that the proposed application of fertilisers and chemicals can be appropriately managed by only permitting their spraying during calm weather conditions, and prohibiting the stockpiling of manure. This will minimise any potential odour impacts upon neighbouring residents. It is a recommended condition that should Council staff receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council staff satisfaction.

The market garden is proposed to operate Monday to Saturday, 8am to 4pm, with a maximum of 3 staff (2 of which reside at the property) working at any one time, no more than 2 deliveries per week and up to a maximum of 10 customers per day. The operation of the market garden will utilise one small farm tractor for the purpose of mowing grass and moving plants. It is considered that the potential noise and amenity impacts from the proposed development are negligible. The potential traffic impact on Halls Road and surrounding roads is also considered negligible.

The potential noise impacts from the use of pumps to irrigate the proposed market garden have been considered. Subject to the conditions contained in this report, irrigation of the proposed development will comply with Council's Environmental Noise Policy and not cause unreasonable noise impacts upon surrounding properties.

The proposed gravel driveway along the site's southern boundary will be constructed in accordance with Council's Engineering Specifications. It is a recommended condition that dust control measures are put in place to suppress dust from exposed areas during periods of dry and/or windy weather.

No lighting is proposed as part of this development.

The proposed development **fully complies** with all applicable planning controls.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 13 Hulls Road, Leppington and is legally described as Lot 17, DP 28057.

The site has a frontage of 88.1m to Hulls Road, a depth of 258.3m and an overall area of 2.86ha. The site generally slopes downwards from north to south and contains a single storey dwelling, sheds, scattered vegetation and a dam. Much of the site is mapped as bush fire prone land. The site is located in the future Catherine Fields North precinct of the South West Growth Centre.

The surrounding properties are characterised by a mix of rural residential and agricultural land uses, scattered vegetation and undulating topography.

From north-west to north-east lie the existing rural residential suburbs of Bringelly, Rossmore and Leppington respectively. The south-west rail link and the future Leppington train station are currently under construction to the north. To the east is Camden Valley Way and the future Emerald Hills urban release area. To the south lies the "Raby" property which is a State heritage item. To the east is Catherine Field village.

HISTORY

There is no relevant development history for this site.

THE PROPOSAL

DA 638/2013 seeks approval for the use of land as a market garden and associated site works.

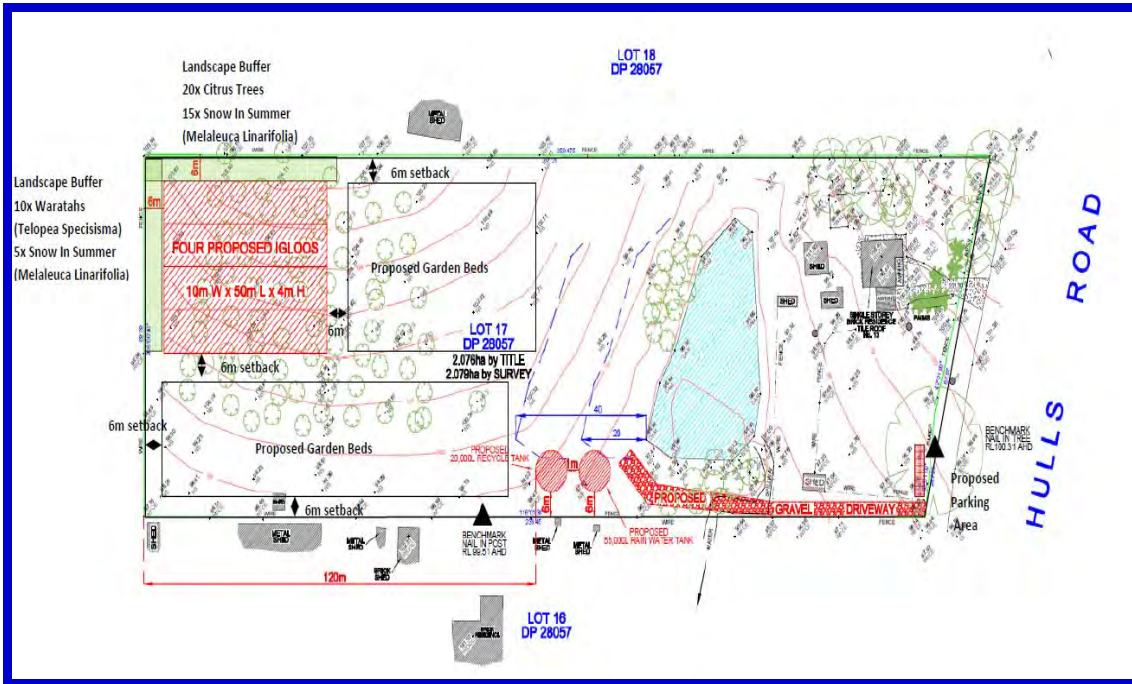
Specifically the proposed development involves:

- the establishment of a series of igloos at the rear of the site. The igloos will be constructed of metal frames with plastic covering and will be used to grow ornamental flowers, fruit trees, herbs and vegetables. The igloos will cover an area of 2,000m² and will be 4m high;
- the establishment of a series of garden beds. These beds will be used to grow ornamental flowers, fruit trees, herbs and vegetables;
- maintenance works to the site's existing dam including cleaning;
- installation of two 20,000 litre water recycling tanks, construction of a second 100m gravel driveway from Hulls Road and a gravel parking area at the front of the site;
- removal of 72 trees, replacement planting of 50 trees (a mix of fruit trees, waratahs and paperbarks) and minor earthworks;
- the employment of a maximum of 3 staff;
- a maximum of 10 customers per day will visit the site to inspect produce and collect orders made via phone or off site plant nurseries; and
- operating hours of Monday to Saturday 8am and 4pm.

The value of the works is \$140,000.

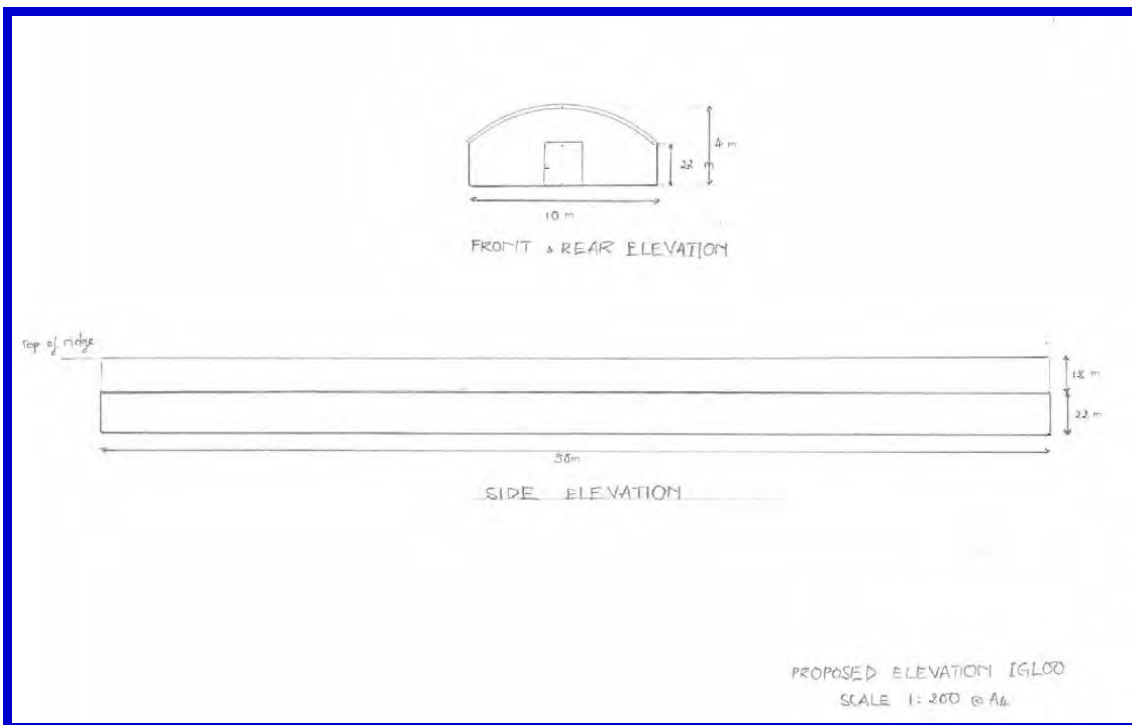
A copy of the proposed plans is provided as Attachment 1 to this report.

PROPOSED SITE PLAN



ORD03

PROPOSED IGLOO ELEVATIONS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79C(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (SEPP)

This site is located in the future Catherine Fields North precinct of the South West Growth Centre.

Pursuant to Clause 16 of the SEPP, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration a number of matters. These matters include whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan and whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses.

It is considered that the proposed development will not preclude the future redevelopment of the site in accordance with the relevant growth centre structure plan. Additionally, as only igloo structures are proposed, minimal investment from the applicant is required and consequently the proposed development will not alienate the land from future surrounding uses.

Pursuant to Clause 17 of the SEPP, the DA was referred to the Department of Planning and Infrastructure (DPI) for consideration given the site's location in a future growth centre precinct. DPI did not respond to this referral.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. All water run-off will be collected by trenches and directed into the proposed water recycling tanks. In addition, soil erosion and sediment control measures are recommended as a condition which will help protect the integrity of the Hawkesbury-Nepean River.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU4 Primary Production Small Lots under the provisions of the LEP. The proposed development is defined as "intensive plant agriculture" by the LEP which is a permissible land use in this zone.

Objectives

The objectives of the RU4 Primary Production Small Lots are as follows:

- To enable sustainable primary industry and other compatible land uses.

Officer comment:

The proposed development is for a primary industry involving intensive plant agriculture. This is a sustainable activity that is compatible with surrounding land uses and consistent with this objective.

- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

Officer comment:

The proposed development will generate primary industry employment opportunities for 3 staff and therefore is consistent with this objective.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

Subject to the conditions contained in this report, it is not considered that the proposed development will negatively impact upon existing dwellings or any other land uses in the surrounding area or adjoining zones.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.5 Height of Buildings	Maximum building height of 9.5m	The proposed igloos will be 4m high	Yes
5.9 Preservation of trees or vegetation	Development consent is required for the removal of trees or vegetation	Tree removal is proposed as part of this DA. The site has been previously cleared and the existing vegetation is a mix of predominantly re seeded wattles, with some privet and African Olive and other assorted regrowth. The proposed tree removal is considered acceptable.	Yes
5.10 Heritage Conservation	Conserve the environmental heritage of Camden	The Raby property (a State heritage item) is located to the south of this site. In order to	Yes

Clause	Requirement	Provided	Compliance
		minimise impacts upon view lines from Raby, it is a recommended condition that the plastic material used for the proposed igloos is an olive/mint green colour to help them better blend into the background	
7.4 Earthworks	Earthworks must not have detrimental impacts	Minor earthworks are proposed and are required to construct the proposed igloos. Appropriate soil erosion and sediment control measures are recommended as a condition to ensure that no adverse impacts occur as a result of them	Yes

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and sediment	Erosion and sedimentation control measures are to be implemented during and after construction	Appropriate erosion and sediment control measures will be put in place during and after construction	Yes
B1.2 Earthworks	Minimise earthworks and clean fill must be used	Regrading of the site is required in the location of the proposed igloos. Where fill is required, soil that has been cut from the site will be reused	Yes
B1.4 Water Management	Water management in accordance with Council's Engineering	Overflow and water from the garden beds will be disposed of into	Yes

Control	Requirement	Provided	Compliance
	Specifications	the proposed water recycling tanks and reused on the site after treatment. It is a recommended condition that the development complies with Council's Engineering Specifications	
B1.5 Trees and Vegetation	Development consent is required for the removal of trees Council is to consider the significance of trees proposed to be removed and the need for replacement tree planting	Tree removal is proposed as part of this DA This tree removal is considered to be acceptable as the site has previously been mostly cleared of Cumberland Plain Woodland species. The State Government has also provided biodiversity certification for this area which allows for the removal of vegetation in order to facilitate development. The applicant has proposed replacement planting of 50 trees to compensate for the proposed tree removal which will result in a net tree gain for the site	Yes Yes
B1.6 Environmentally Sensitive Land	Ensure minimal impacts on environmentally sensitive land (ESL)	Parts of the site are mapped as ESL including the area where 72 trees will be removed. The tree removal is considered acceptable as the site has previously been mostly cleared of Cumberland Plain Woodland species and suitable replacement tree planting is proposed	Yes
B1.8 Environmental and Declared	Noxious weed management	It is a recommended condition that noxious weed management	Yes



ORD03

Control	Requirement	Provided	Compliance
Noxious Weeds		occur in accordance with the requirements of the DCP	
B1.9 Waste Minimisation and Management	A waste management plan (WMP) must be submitted with the DA	A suitable WMP has been submitted with this DA	Yes
B1.10 Bush Fire Risk Management	Bush fire assessment in accordance with NSW Rural Fire Service (RFS) guidelines	The DA was referred to the RFS pursuant to Section 79BA of the <i>Environmental Planning & Assessment Act 1979</i> . The RFS recommended a condition to provide asset protection zones for the site's existing dwelling. This condition forms part of the conditions contained in this report	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	The proposed site operations will not include the use of heavy machinery with the exception of a small tractor used for grass mowing and moving plants. The proposed development is considered to comply with Council's ENP subject to the conditions contained in this report	Yes
B1.17 Air Quality	Development that is likely to result in atmospheric pollutants including odour must demonstrate operating practices to ensure that emissions are acceptable	Slow release and organic fertilisers and chemicals will be used on site once every two months or where there is significant demand for it. No manure will be stockpiled on site. It is considered that the frequency of fertiliser and chemical application will not give rise to adverse odour impacts and therefore the emissions from the proposed development are considered to be acceptable. It is a	Yes

Control	Requirement	Provided	Compliance
		recommended condition that chemicals and fertilisers only be sprayed during calm weather conditions to minimise spray drift	
B2 Landscape Design	Appropriate landscaping designed to integrate and enhance development	The proposed replacement planting is considered to be appropriate and conditions are recommended to ensure compliance with the DCP	Yes
B3.1.1 European Heritage	Retain and conserve heritage items and their significant elements and settings	The Raby property (a State heritage item) is located to the south of this site. In order to minimise impacts upon view lines from Raby, it is a recommended condition that the plastic material used for the proposed igloos is an olive/mint green colour to help them better blend into the background	Yes
D1.3.1 Intensive Plant Agriculture	Lot size must be a minimum of 2ha	The lot is 2.86ha in area	Yes
	Buildings and structures are to be set back 20m from the front boundary and 5m from side and rear boundaries	The proposed igloos are setback greater than 20m from the front boundary and 6m from the side and rear boundaries	Yes
	New and durable materials are to be used for igloos and must be maintained in a sound and tidy condition	The igloos are proposed to be constructed of new and durable materials including metal frames and plastic covering. It is a recommended condition the igloos are maintained in accordance with the DCP's requirements	Yes
	Suitable landscape screening to be	Landscaping including fruit trees, waratahs	Yes

ORD03

Control	Requirement	Provided	Compliance
	<p>established between the igloos and boundaries</p> <p>Landscape screening or buffers must be established through planting trees or shrubs with a minimum height of 1.5m</p> <p>Wastewater on unsewered sites must be disposed of in accordance with Council's Sewage Management Strategy</p> <p>A water cycle management plan must be lodged with the application</p> <p>Buffer distances from septic systems must comply with Council's Sewage Management Strategy</p> <p>Odour generated from the use must be contained within the site</p>	<p>and paperbarks will be planted along the site's northern and western boundaries in the vicinity of the igloos</p> <p>Advanced planting of minimum 45 litre and 1.5m high plant species will be provided.</p> <p>Household wastewater is disposed of into an existing on site wastewater system adjacent to the existing dwelling. The operation of the market garden will not impede this system</p> <p>The DA was accompanied by information detailing how water will be stored, used and recycled on the site in accordance with the DCP's requirements. Rainwater captured by the water recycle tanks will be utilised for irrigation. Water run-off will be captured by trenches and pumped back into the tanks for reuse after treatment</p> <p>The distance of the proposed igloos from the existing wastewater system is consistent with Council's Strategy</p> <p>The proposed use of fertilisers and chemicals has been assessed by Council staff. Due to their types, volumes and frequency</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
		of use, it is considered that there will be negligible odour impacts as a result of the proposed development	

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

Odour Impacts

The fertilisers and chemicals proposed to be used are organic and slow release. The fertilisers and chemicals will be sprayed by hand once every two months or when there is a significant requirement. These will be stored in accordance with the relevant Australian Standard (AS 1940) in one of the existing sheds on the site.

It is a recommended condition that fertiliser and chemical spraying only occur during calm weather.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 22 August to 5 September 2013. Two submissions were received (both objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper Supporting Documents.**

The following discussion addresses the issues and concerns raised in the submissions.

1. *The proposed nursery will jeopardise current privacy and security of adjacent properties by allowing customers to enter the site.*

Officer comment:

Rural boundary fencing exists between the site and neighbouring properties. The applicant has advised that customers will park their cars at the front of the site and go no further into the site than the location of the dam which is approximately 100m from the nearest dwelling. In addition, tree planting along the site's northern and western boundaries is proposed to further protect the privacy and security of adjacent properties and restrict views into and out of the site.

2. *The gravel driveway is not wide enough for customers to park therefore they will be inclined to drive up next to the igloos and therefore create noise impacts.*

Officer comment:

The development does not propose customer parking within the location of the gravel driveway, rather parking will be provided in a gravel area at the front of the site. In addition, the applicant has advised that the customers will go no further into the site than the location of the dam which can be enforced by a recommended condition.

3. *The development will substantially affect the value of adjacent properties.*

Officer comment:

The impact on property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* in the assessment of a DA. However there is no evidence to suggest that the proposed development will have adverse economic impacts on surrounding property values.

4. *The fertilisers will emit odours forcing adjacent properties to keep windows closed at all times causing the dwellings to lack natural ventilation.*

Officer comment:

Market gardening can produce odour from the use of chemicals however it is considered that the proposed application of fertilisers and chemicals can be appropriately managed by only permitting their spraying during calm weather conditions and prohibiting the stockpiling of manure. This will minimise any potential odour impacts upon neighbouring residents. It is a recommended condition that should Council staff receive any complaints regarding odour from this development, that the applicant mitigate these impacts to Council staff satisfaction.

5. *The market garden will disturb the existing peaceful way of life.*

Officer comment:

The site is zoned RU4 Primary Production Small Lots, the use is consistent with the objectives of the zone and is permissible. The market garden is proposed to operate Monday to Saturday 8am to 4pm with a maximum of 3 staff (2 of which reside at the property) working at any one time, no more than 2 deliveries per week and up to a maximum of 10 customers per day. This equates to an average of 1.25 additional car visits per hour (1.375 on delivery days) which is not considered to cause adverse impacts to the amenity of the area.

The operation of the market garden will utilise one small farm tractor for the purpose of mowing grass and moving plants. It is considered that the potential noise and amenity impacts from the proposed development are negligible and can be appropriately mitigated through compliance with the conditions contained in this report.

6. *The irrigation of the gardens, including water tanks and pumps, will create constant noise.*

Officer comment:

Council staff has considered the potential noise impacts from the use of pumps to irrigate the proposed market garden. Subject to the conditions contained in this report, irrigation of the proposed development will comply with Council's' Environmental Noise Policy and not cause unreasonable noise impacts upon surrounding properties.

7. *The applicants will work outside of their proposed hours of operation.*

Officer comment:

The applicant has proposed to operate Monday to Saturday 8am to 4pm. Council staff can enforce these operating hours through the conditions contained in this report.

8. *The development will result in increased traffic issues and risks.*

Officer comment:

The proposed market garden will operate Monday to Friday 8am to 4pm. The use will have a maximum of 3 employees, 1 customer at a time and a maximum of 10 customers per day. The potential traffic impact on Hulls Road and surrounding roads is considered to be negligible and a notable increase in risk is not anticipated.

9. *The expected traffic increase will cause and increase of dust from the dirt road of the premises.*

Officer comment:

The proposed gravel driveway along the site's southern boundary will be constructed in accordance with Council's Engineering Specifications. It is a recommended condition that dust control measures are put in place to suppress dust from exposed areas during periods of dry and/or windy weather. Additionally, a condition is recommended that requires that all vehicles entering and exiting the site do so in a controlled and safe manner.

10. *Amenity impacts from lighting.*

Officer comment:

No lighting is proposed as part of this development.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

The DA was referred to RFS pursuant to Section 79BA of the *Environmental Planning and Assessment Act 1979* as much of the site is mapped as being bush fire prone land. The RFS raised no objection to the proposed development subject to a condition to provide asset protection zones for the site’s existing dwelling. This condition forms part of the recommended conditions contained in this report.

Department of Planning and Infrastructure (DPI)

The DA was referred to DPI for consideration given the site’s location in a future growth centre precinct. DPI did not respond to this referral.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 638/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
1576HULLS-01-01A	Detail Survey	Sydney Registered Surveyors	30 July 2013
1576HULLS-01-01A	Detail Survey and Proposed Development	Sydney Registered Surveyors (as amended by A. Lam)	30 Sept 2013
-	Igloo Elevations	-	-
-	Statement of environmental effects	-	-

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Bush Fire Safety Authority** - The development is to comply with all of the conditions specified in the Bush Fire Safety Authority issued by the Rural Fire Service, dated 2 September 2013, Ref No D13/1845 (attached to this development consent).
- (4) **Approved Development** – This approval relates to the activities outlined in this consent. Excavation works to the dam are for the purposes of cleaning and maintenance only. This consent does not include making the dam any larger than existing. Where it is intended to increase the size of the operations on site further written consent must be obtained from the Consent Authority (i.e. Camden Council) prior to further works being undertaken on site.
- (5) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
 - (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011.
- (6) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all tree and shrub installation associated with this Consent.

The 16 week maintenance and establishment period includes the Applicant's responsibility for the establishment, care and repair of all tree installations.

The Date of Practical Completion (DPC) is taken to mean completion of all soil preparation and treatment and initial weed control, and completion of all planting.

At the completion of the 16 week maintenance and establishment period, all trees and tree protective guards, must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the 16 week maintenance and establishment period, the Applicant is responsible for arranging a site inspection with the Consent Authority (i.e. Camden Council) to inspect the trees on site, to verify that the tree installations have survived, become established and are showing signs of vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works must comply with the approved Landscaping Plans.

2.0 - Construction Certificate Requirements

The following conditions of consent must be complied with prior to the issue of a Construction Certificate.

- (1) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (2) **Stormwater Disposal** – Stormwater runoff from the whole development, that is not recycled on site for reuse, must be properly collected and discharged to Council's drainage system. Surface discharge across the verge to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (3) **Pumping of Water from the Dam** – Details on how the water will be pumped from the dam into the market garden is to be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate.
- (4) **Detailed Landscaping Plans** - Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The following items listed must be included with the other landscaping elements, in the detailed Landscaping Plans.

- (a) That 50 plantings are to be installed along the site boundaries as marked on the approved plans. The plants need to be advanced stock in minimum 45 litre container size and 1.5 metres in height. The plants sourced must be 20 citrus trees, 10 *Telopea Speciosa* and 20 *Melaleuca Linariifolia*.
 - (b) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans lodged with the Development Application for Consent.
 - (c) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities and planting sizes. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
 - (d) The detailed Landscaping Plans must specify that the Applicant is responsible to arrange an inspection with the Consent Authority (i.e. Camden Council) at the completion of the 16 week maintenance and establishment period, to determine if the 50 plantings are healthy, established and showing signs of vigorous growth.
- (5) **Special Infrastructure Contribution** - Prior to the issue of any Construction Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Infrastructure that a special infrastructure

contribution has been made (if required) in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website:

www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/abid/75/language/en-US/Default.aspx.

3.0 - Prior To Works Commencing

The following conditions of consent must be complied with prior to any works commencing on the development site.

- (1) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (2) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and Clauses 103 and 104 of the Environmental Planning and Assessment Regulation 2000 must be lodged with Camden Council at least two (2) days prior to commencing works. The notice must include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
 - (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
 - (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (7) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land must be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant must advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant must bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

- (8) **Environmental Site Management Plan** - An Environmental Site Management Plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy.
 - (b) all matters associated with Occupational Health and Safety.
 - (c) all matters associated with Traffic Management/Control.
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

4.0 - During Construction

The following conditions of consent must be complied with during the construction phase of the development.

- (1) **Fill Material** – No fill material is to be brought onto the site without prior written consent from Council.
- (2) **Removal of Construction Waste Materials** – Where there is a need to remove any identified waste materials, including fill material, from the site the materials will be required to be disposed to a licenced waste facility with copies of tipping / recycling receipts to be supplied to Council.
- (3) **Construction Noise Levels** – Noise levels emitted during construction works must be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period of greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (4) **Bundling of Chemical Storage** – The bunding of any chemical storage must comply with the following:
 - (a) The walls and floor of any chemical storage area must be bunded with impervious materials of sufficient capacity to contain 110% of the volume of the tank or the largest tank where a group of tanks are enclosed. Walls must not be less than 250mm high.
 - (b) Chemicals must be stored within a covered area to prevent rain access.
- (5) **Prevention of Nuisance During Construction** – All possible and practical steps must be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood during construction from blown dust, debris, noise, odour and the like.
- (6) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
 - (a) the delivery of material must only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;

- (b) stockpiles of topsoil, sand, aggregate, spoil or other material must be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and must have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying must be confined to the building allotment. All pollutants from these activities must be contained on site and disposed of in an appropriate manner;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container must be located on the development site.
- (7) **Shoring and Adequacy of Adjoining Property** – Shoring and adequacy of adjoining properties must be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (8) **Protection of Public Places** – If the work involves in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (9) **Hours of Work** – The hours for all construction work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (10) **Damaged Assets** – Any work and public utility relocation within a public place must incur no cost to Council.
- (11) **Igloo Construction** – The igloos must be constructed using metal frames and durable plastic material. The plastic material must be coloured olive or mint green. Each igloo must not exceed 10m wide by 50m long by 4m high.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent must be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Occupation Certificate and under the Roads Act 1993 must be approved by Camden Council:

- (a) Provision of a rural driveway crossing at all points of ingress and egress.

All works must be carried out strictly in accordance with Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Hours of Operation** – The hours of operation of the approved land use are:

Monday to Saturday: 8am-4pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to the approved hours of operation. Any alteration to these hours will require further approval from Council.

- (2) **Prevention of Nuisance During Operations** – All possible and practical steps must be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood during operation from all blown dust, debris, noise, odour and the like.
- (3) **Spill Response Kit** – An appropriate spill response kit is to be installed into the store room where the storage of chemicals occurs. Kits must contain at a minimum, a ready supply of spill control and clean up materials.
- (4) **Handling of Hazardous Materials** – To ensure the correct handling of hazardous materials, Material safety data sheets are required to be held at the premises for all hazardous materials.
- (5) **No Open Burning** – The open burning of trade waste and other refuse is prohibited throughout Camden. No incinerators must be installed at the premises.

- (6) **Offensive Noise** – The use and occupation of the premises including all plant and equipment must not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.
- (7) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all processes (LAeq) (measured for at least 15 minutes) at the above premises must not exceed the relevant criteria contained within Council's Environmental Noise Policy when measured at any point on the boundary.
- (8) **Dust Control** – Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (9) **Management of Stored Goods** - The storage of goods, materials, equipment, machinery, refuse or refuse bins must be stored within the existing on site sheds.
- (10) **Spraying of Fertilisers and Chemicals** – The spraying of fertilisers and chemicals is to only occur during calm weather conditions to minimise drift to adjoining properties.
- (11) **Dam Water** – Dam water is to be monitored for salinity, sodicity, pH, nitrates and phosphates on a quarterly basis and must meet the requirements of ANZECC guidelines Chapter 4 Irrigation.
- (12) **Irrigation Water** – Irrigation water is to be contained on site at all times so as not to impact on adjoining residences or cause water pollution as defined in the *Protection of the Environment Operations Act 1997*.
- (13) **Reuse of Water** – All nutrient rich water run-off generated by the market garden must be collected within the recycle tanks and reused within the site.
- (14) **Chemical Storage** – The storage and handling of flammable and combustible liquids must be in accordance with AS 1940. All fertilisers and chemicals must be stored in one of the existing sheds on the site.
- (15) **Odour Impacts** – Should Council receive complaints regarding any odour impacts from the proposed development, Council staff will investigate the complaints and require the applicant to mitigate these impacts to Council staff satisfaction. This may require the preparation of an odour impact assessment at the applicant's expense.
- (16) **Use of Sheds** – The use of sheds for residential purposes is prohibited.
- (17) **Vehicles that Visit the Site** – Vehicles that visit the site must comply with the following requirements at all times:
 - (a) All vehicles must enter and exit the site in a forward direction.
 - (b) All vehicles awaiting loading, unloading or servicing must be parked onsite and not on adjacent or nearby public roads.
 - (c) Articulated or heavy rigid vehicles in excess of 11 metres in length must not service the premises due to the limited manoeuvring capabilities of the site.

- (18) **Stockpiling of Manure** – No stockpiling of manure is permitted on the subject property.
- (19) **Washing of Vegetables** – No washing of vegetables is to take place on the site without the prior consent of Council.
- (20) **Tank Water** – Tank water is to be monitored for salinity, sodicity, pH, nitrates and phosphates on a quarterly basis, and must meet the requirements of ANZECC guidelines Chapter 4 for irrigation. Should the tank water become saturated then the applicant must engage the services of an appropriately licensed liquid waste contractor to pump out the tank and remove to a licensed wastewater facility.
- (21) **Maintenance of Igloos** – The four igloos must be regularly maintained in a sound and tidy condition to ensure that the materials do not become defective or damaged and deteriorate over time.
- (22) **Maximum Number of Staff** – The maximum number of staff permitted to work at the market garden must not exceed 3 at any one time.
- (23) **Maximum Number of Customers** – The maximum number of customers permitted at the market garden must not exceed 1 customer at any one time and 10 per working day.
- (24) **Maximum Number of Deliveries** – The maximum number of deliveries must not exceed 2 in a week.
- (25) **Customers** – Where customers attend the site, they must not enter any further than the location of the on-site dam.
- (26) **Waste Management** – A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises.
- All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.
- (27) **Noxious Weeds Management** – Noxious weed management must occur in accordance with Section B1.8 of Camden Development Control Plan 2011.

RECOMMENDED

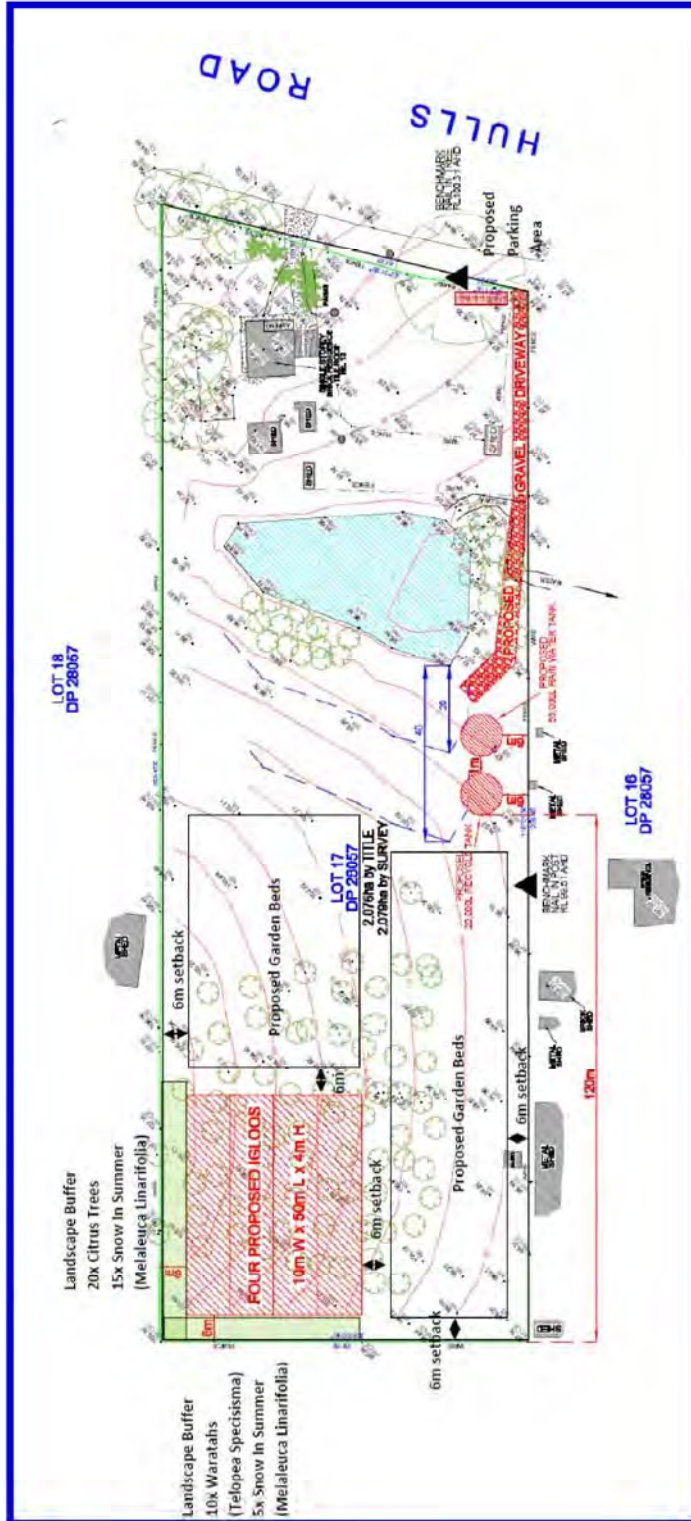
That Council approve DA 638/2013 for the use of land as a market garden and associated site works at 13 Hulls Road, Leppington subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Submissions - *Supporting Document*
3. Public exhibition and submissions map - *Supporting Document*

ORD03

Attachment 1





ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: CONSTRUCTION OF A SHOPPING CENTRE CONTAINING A SUPERMARKET, COMMERCIAL/RETAIL TENANCIES AND ASSOCIATED SITE WORKS, 254A RICHARDSON ROAD, SPRING FARM

FROM: Director, Development & Health

TRIM #: 13/45130

APPLICATION NO: DA 541/2013

PROPOSAL: Construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works

PROPERTY ADDRESS: 254A Richardson Road, Spring Farm

PROPERTY DESCRIPTION: Lot 2, DP 1175908

ZONING: B1 Neighbourhood Centre

OWNER: Fabcot Pty Ltd

APPLICANT: Fabcot Pty Ltd c/o The Planning Group

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works at 254A Richardson Road, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues in one submission received from the public, and there are proposed variations to Camden Local Environmental Plan 2010 (LEP) and Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 541/2013 for the construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works at 254A Richardson Road, Spring Farm.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant *Environmental Planning Instruments*, *Development Control Plans* and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the

proposal). **A copy of the submission is provided with the Business paper Supporting Documents.**

The issues raised in the submission relate to adverse traffic impacts on the Glenlee Coal Site as a result of construction works on the subject site, specifically roadworks along Springs and Richardson Roads and the timing of the availability of the new Glenlee Precinct and Jacks Gully access road off Liz Kernohan Drive.

Traffic impacts during the construction phase have been assessed and it is a recommended condition that a construction traffic management plan be provided to Council for approval prior to the issue of a Construction Certificate. The condition requires that there are no adverse impacts upon access to/from, surrounding businesses during the construction of the proposed development.

The timing of the availability of the new Glenlee Precinct and Jacks Gully access road off Liz Kernohan Drive is not a matter for consideration as part of this DA as the proposed development is not dependent on that access road. However, Council staff are currently assessing a separate DA which proposes a staged construction of Springs Road to extend it from the existing intersection with Richardson Road to the east. Council staff do not have any information on the timing of the construction of these roads.

The applicant proposes a variation to a building height development standard stipulated by Clause 4.3 of the LEP. The LEP limits the height of buildings in this area to 9.5m, however the proposed commercial building is 10.1m high (at its highest points) when measured from existing ground level. It is recommended that this LEP variation be supported.

The proposed height variation occurs as a result of the proposed mechanical plant equipment which sits on top of the roof structure. This mechanical plant equipment is necessary for the operation of the supermarket. Despite the height variation, which equates to 0.6m above the maximum height for the site, it is considered that the building will not appear visually dominant or prominent in the streetscape and will not detract from views. The applicant has also ensured that the plant equipment is set back and integrated into the design of the building.

The applicant also proposes a variation to the DCP in relation to the provision of an access road (bush corridor edge road) on the north western boundary of the site. The DCP requires the provision of a 13m wide access road (bush corridor edge) along the north western boundary of the site. This road is to have an 8m wide carriageway with landscaped verges including a 2.5m wide shared pedestrian/cyclist path.

The applicant has proposed an 8.8m wide access road which contains a 6m wide carriageway and a 2.5m wide shared path. Council staff have assessed this DCP variation and recommend that it be supported.

The provision of a 6m wide carriageway is sufficient to enable fire trucks to access the bush corridor land to the north and to allow for internal traffic within the site to manoeuvre without any adverse impacts. The reduced road width still provides for a 2.5m wide shared path to encourage pedestrian and cyclist movement within the area.

At the Ordinary Council meeting of 12 November 2013, Council considered a DCP amendment for this area which included a reduction of the width of this bush corridor edge road in accordance with the proposed variation and resolved to publicly exhibit the DCP amendment.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 254A Richardson Road and is legally described as Lot 2, DP 1175908.

The site has a frontage of approximately 129m to Springs Road, a frontage of 229m to Richardson Road, a maximum depth of 249m and an overall area of 2.4ha.

The site is currently vacant except for a mix of native and exotic trees and shrubs. An Endeavour Energy electricity transmission line and easement traverses the site along its western boundary. The site is located within the South Campbelltown Mine Subsidence District and the majority of the site is mapped as bush fire prone land.

The surrounding area is characterised by vacant land to be developed as part of the Spring Farm neighbourhood centre. The Spring Farm bush corridor exists to the north east and north with low density residential development further to the north. To the east lies residential land currently being developed along with the Spring Farm Advanced Resource Recovery Park (formerly the Macarthur Resource Recovery Park and originally Jacks Gully Waste and Recycling Centre). An Endeavour Energy subdivision exists to the south with further developing residential land to the south west and west.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
13 February 2009	Creation of this lot approved by DA 47/2008

THE PROPOSAL

DA 541/2013 seeks approval for the construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works.

Specifically the proposed development involves:

- bulk earthworks including stripping, filling, compaction and the removal of an existing stockpile;
- construction of a shopping centre comprising a supermarket (a Woolworths supermarket), 7 tenancies and 1 kiosk with an overall gross floor area of 5,982m² and a maximum height of 10.1m. The building will be constructed of a mix of materials and finishes including painted concrete panels, steel, timber and glazing;
- display of 1 free-standing sign with a maximum height of 6m on the site's western frontage (Richardson Road) and the display of 7 wall signs around the building's elevations;
- provision of 260 car parking spaces, 10 bicycle spaces and 10 motorcycle spaces;
- stormwater drainage including swales and on-site detention via underground tanks;
- construction of an access road from Richardson Road into the north western corner of the site and upgrade works to both Richardson and Springs Roads. These works include half road reconstruction of Richardson Road (the other half is to be constructed by Urban Growth NSW in consultation with the applicant) and full road reconstruction of Springs Road along the site's southern frontage;
- acoustic attenuation measures including the provision of an acoustic fence ranging in height between 2.4-3.5m along the southern edge of the proposed supermarket loading dock area (facing Springs Road);
- removal of approximately 40 trees comprising primarily of Eucalyptus, Queensland Box Brush Magonlia, Grevilea robusta and Grandifolia;
- landscaping (including the provision of approximately 89 replacement trees) and associated site works;
- operating hours of 7 days a week 6am-midnight for the proposed supermarket; and
- the employment of approximately 164 staff when the entire centre is fully tenanted.

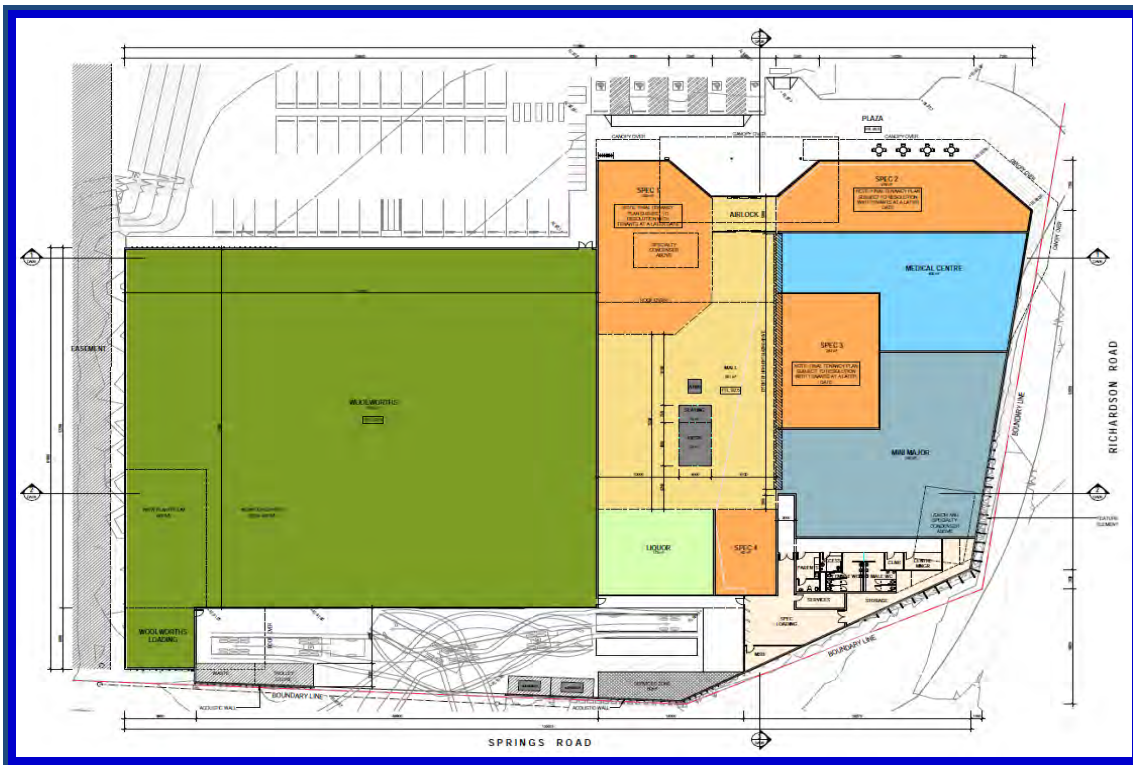
The fit out and operation of the proposed supermarket and tenancies will be subject to separate DAs.

The value of the works is \$17,560,000.

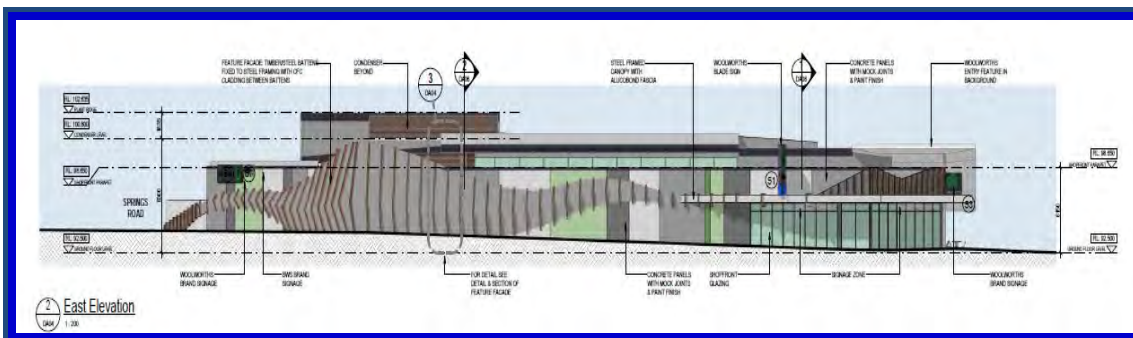
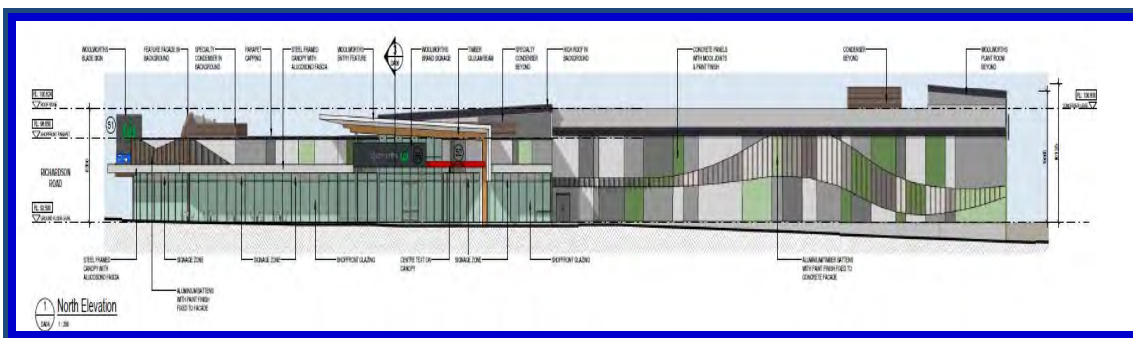
A copy of the proposed plans is provided as attachment 1 to this report.

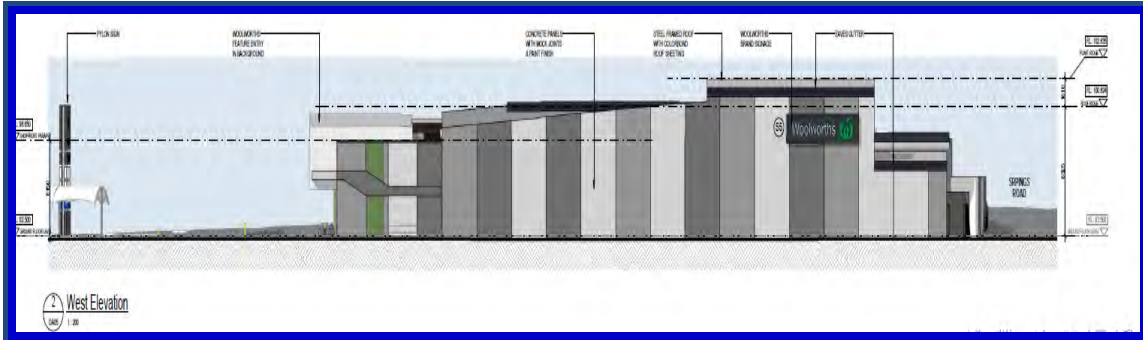
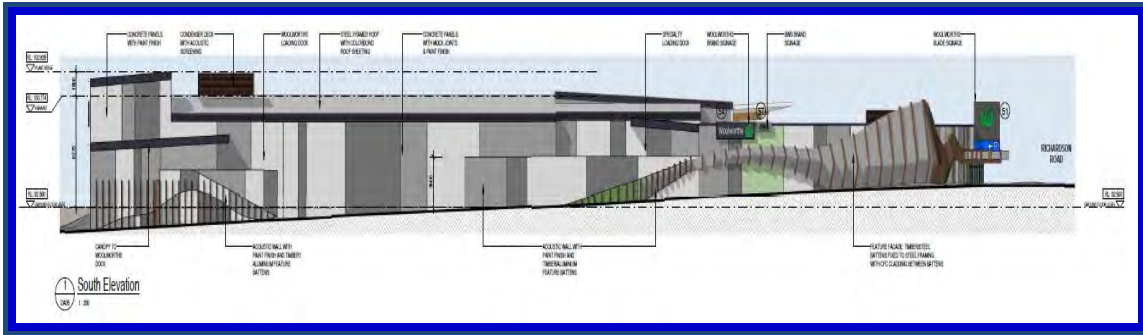
PROPOSED FLOOR PLAN

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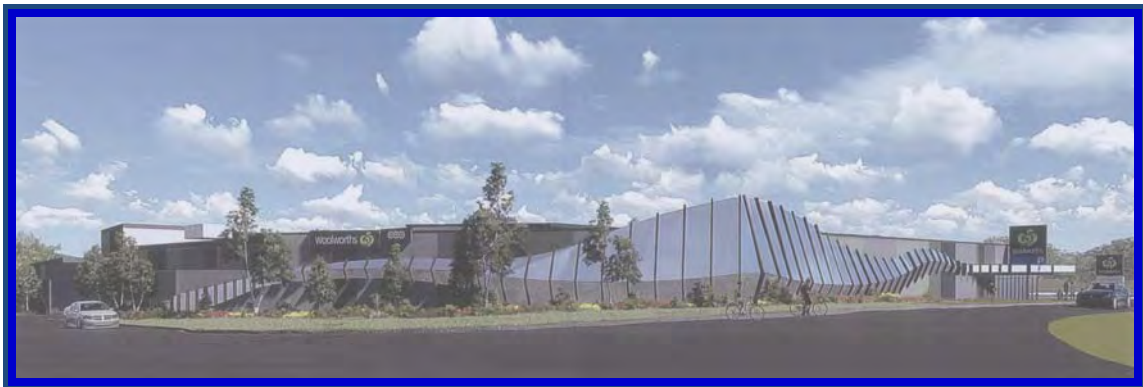


PROPOSED ELEVATIONS





3D IMAGE OF PROPOSED BUILDING



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed State Environmental Planning Policy No 9 – Extractive Industry
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. The applicant has submitted a phase 2 contamination assessment for the site in support of this DA. The contamination assessment notes that the site is not contaminated and is suitable for its intended commercial use.

A condition is recommended that provides instruction in the instance any unexpected contamination finds are encountered. This will ensure the provisions of the SEPP are met.

State Environmental Planning Policy No 64 – Advertising and Signage (SEPP)

The proposed development includes a 6m high free-standing sign and 7 wall signs with up to a maximum display area of 19m².

Pursuant to Clause 4(1) of the SEPP, the proposed signs are “business identification signs” as opposed to “advertisements” in that they simply identify the business but do not include the general advertising of products, goods or services.

It is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

Pursuant to Clause 45 of the SEPP, the DA was referred to Endeavour Energy (Endeavour) as works are proposed adjacent to an existing electricity transmission line and easement. The easement traverses the site along its eastern side. Endeavour has provided a response noting that an application must be made to it for asset relocation works. It is a recommended condition that an asset relocation application is made to Endeavour Energy prior to the issue of a Construction Certificate.

Pursuant to Clause 104 of the SEPP, the DA was also referred to the Roads and Maritime Services (RMS) for comment as the proposed development is classed as traffic generating development. The RMS has made several recommendations in relation to the proposed development which include compliance with AS 2890, the provision of sufficient pedestrian facilities within the site and the preparation of a construction management plan detailing construction vehicle routes, numbers etc.

Council staff have reviewed and agree with the recommendations of the RMS. These are recommended as part of the conditions contained in this report.

Deemed State Environmental Planning Policy No 9 – Extractive Industry (SEPP)

Pursuant to Clause 8 of the SEPP, the application was referred to the Department of Trade & Investment Resources & Energy (DTIRE) for comment as the site is located within an area identified as having extractive material of regional significance. DTIRE has raised no issues with the proposed development and have noted that Council needs to satisfy itself that measures are in place to avoid future land conflict. Council staff are satisfied that there will be no future land conflict as a result of the proposed development.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide soil erosion and sediment control measures and a water pollution control device as part of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned B1 Neighbourhood Centre under the provisions of the LEP. The proposed development is defined as “shops” and “business identification signs” by the LEP which are a permissible land use and works in this zone.

Objectives

The objectives of the B1 Neighbourhood Centre are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Officer comment:

The DA proposes a shopping centre which will provide for a range of retail and business uses to meet the needs of people who live or work in the surrounding neighbourhood.

- To encourage mixed use developments to present an active frontage to the street by locating business, retail and community uses at ground level.

Officer comment:

The DA proposes a mixed use development with an active frontage to Richardson Road by locating tenancies at ground level.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officer comment:

The proposed development has been assessed and subject to the conditions contained in this report will not have any adverse impacts on any other land uses within this or adjoining zones.

- To enable other land uses that are complementary to and do not detract from the viability of retail, business and community uses within the zone.

Officer comment:

It is not considered that the proposed development will hinder other land uses that are complementary to and do not detract from the viability of retail, business and community uses within the zone.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 10.1m building height	No – LEP variation 1
4.6 Exceptions to Development Standards	Council may grant variations to development standards where the applicant has provided written justification	The applicant has provided adequate written justification for the proposed development standard variation	Yes
5.9 Trees or Vegetation	Development consent is required for tree removal	The DA seeks consent for the removal of trees from the site to facilitate the proposed development	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer	Yes
7.4 Earthworks	Ensure that earthworks will not have a detrimental impacts	The proposed earthworks are minor in nature and it is not considered that there will be any adverse impacts as a result of them	Yes

LEP Variation 1 – Building Height

LEP Development Standard

Pursuant to Clause 4.3 of the LEP, the maximum building height permitted on this site is 9.5m.

The proposed building is 10.1m high (at its highest points) when measured from existing ground level and the height variation is only at certain locations.

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- the proposed height of the building is to accommodate the mechanical plant equipment necessary for the operation and use of a supermarket;
- the overall design, building setbacks, selection of building materials/colours and landscaping of the proposed development will be sympathetic to the streetscapes of both Richardson and Springs Roads; and
- the variation complies with objectives of Clause 4.3, which are:
 - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality;
 - (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and
 - (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the building height development standard is unreasonable due to the necessity for mechanical plant equipment for operational reasons.

In support of the LEP variation it is noted that:

- it is considered that the building, which largely complies with the 9.5m height limit, will not appear visually dominant or prominent in the streetscape and will not detract from views through the area; and
- the applicant has also ensured that the plant equipment is sufficiently set back from public view and integrated into the design of the building.

Council has the assumed concurrence of the Director General of the Department of Planning and Infrastructure and therefore may determine the LEP variation.

Consequently, it is recommended that Council support this proposed variation to the LEP building height development standard.

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instrument applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion and sediment control measures	Appropriate erosion and sedimentation controls have been proposed and are deemed to be acceptable	Yes
B1.2 Earthworks	Building work must be designed to ensure minimal cut and fill is required Use of clean fill	The DA proposes minimal cut and fill and this is deemed to be acceptable Any importation of fill on site will be required to comply with the standard Council requirements for clean fill material and this requirement is a recommended condition	Yes Yes
B1.3 Salinity Management	Salinity resistant construction	The development will be constructed to be salinity resistant	Yes
B1.4 Water Management	Stormwater management and drainage to comply with Council's Engineering Specifications	Plans detailing concept on-site stormwater detention and disposal have been lodged in support of the DA. These plans are considered acceptable and it is a recommended condition that further details on the design be provided prior to the issue of a Construction Certificate. It is also a recommended condition that the proposed development comply with Council's engineering specifications	Yes

Control	Requirement	Provided	Compliance
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The DA proposes to remove approximately 40 trees and these trees are not identified as being endangered species (mainly comprise of Eucalyptus, Queensland Box Brush Magonia, Grevilea robusta and Grandifolia). The DA proposes landscaping (including the provision of approximately 89 trees on site) to offset the removal. In addition, Council staff recommend that 20 street trees be planted. Given the compensatory planting proposed, the removal of the 40 trees is deemed to be acceptable	Yes
B1.8 Environmental and Declared Noxious Weeds	All applications for development are to consider the need to minimise weed dispersion and to ensure weed infestations are managed during the stages of development	It is a recommended condition that the applicant suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur during and after construction works	Yes
B1.9.1 Waste Management Plan	A waste management plan is required	A waste management plan has been provided and is deemed to be satisfactory. It is a recommended condition that all waste complies with Part B1.1.9 of the DCP. This will ensure the	Yes

Control	Requirement	Provided	Compliance
		requirements of this control are met	
B1.10 Bushfire Management Risk	Development must comply with Planning for Bush Fire Protection 2006	Pursuant to Section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> , the DA was referred to the NSW Rural Fire Service (RFS) for comment. The RFS have recommended that the proposed development fully comply with a bush fire report lodged with the DA. Compliance with this report is a recommended condition	Yes
B1.12 Contaminated and Potentially Contaminated Land Management	A contamination assessment and remediation (if required)	The applicant has submitted a phase 2 contamination assessment for the site in support of this DA. The contamination assessment notes that the site is not contaminated and is suitable for its intended commercial use. A condition is recommended that provides instruction in the instance any unexpected contamination finds are encountered	Yes
B1.13 Mine Subsidence	Applications for development within the area shown on Figure B2 requires the approval of the Mine Subsidence Board (MSB) prior to the submission of a DA to Council	The applicant has obtained the approval of the MSB subject to conditions relating to construction standards. It is a recommended condition that the proposed	Yes

Control	Requirement	Provided	Compliance
		development comply with the MSB's approval	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	<p>The applicant has submitted an acoustic report which demonstrates the requirement for acoustic attenuation measures including the provision of an acoustic barrier ranging in height from 2.4-3.5m along the southern edge of the proposed supermarket loading dock area (facing Springs Road).</p> <p>Acoustic barriers are also proposed around the roof decks to attenuate any adverse noise impacts from the proposed mechanical plant equipment.</p> <p>The above is consistent with Council's ENP</p>	Yes
B2 Landscape Design	A landscape plan must be provided	A landscape plan has been provided, however it is a recommended condition that additional landscaping is provided to ensure the proposed development is softened along its interface with both Richardson and Springs Roads	Yes
B4.1 General Requirement for Signs	Signs to not detract from amenity/character	The proposed signs will not detract from the amenity/character of the area	Yes

Control	Requirement	Provided	Compliance
	Signs must be in scale with development	The proposed signs are in scale with the proposed building	Yes
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundaries	Yes
B4.4 Commercial and Mixed Use Zones	The total combined area of the signs must not exceed 20% of the visible wall area	The total combined area of the signs will not exceed 20% of the visible wall area	Yes
	The number of advertising signs must not exceed two per elevation that is visible from a public place	The DA does not propose more than two signs per elevation	Yes
	Signs must be located wholly within the site's property boundaries	The proposed signs will be located wholly within the property boundaries	Yes
	All illumination must comply with AS 1158 and AS 4282	It is a recommended condition that all signage illumination comply with AS 1158 and AS 4282	Yes
	A maximum of one pole/pylon sign per street frontage not exceeding 6m above natural ground level is permitted	One 6m high free-standing sign is proposed along the site's Richardson Road frontage	Yes
In multiple unit developments, where a tenancy is not visible from a public place, not more than one business identification sign per unit/tenancy is	DA proposes 7 wall signs all of which are visible from a public place	Yes	

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Control	Requirement	Provided	Compliance
	<p>permitted</p> <p>Signs must only identify the business name and unit number</p> <p>Signs must not exceed 20% of the visible wall area</p> <p>All signage visible from a public place must be of a complimentary size, shape and style throughout the development</p> <p>One pole/pylon sign not exceeding 6m above ground level is permitted</p>	<p>The proposed signage identifies business names only</p> <p>The proposed signs will not exceed 20% of the visible wall area</p> <p>All of the proposed signage is visible from a public place and is of a complimentary size, shape and style throughout the proposed development. However, It is a recommended condition that the proposed wall sign along Richardson Road (referred to as S1) is reduced in height so that it does not protrude over the height of the roof at that point</p> <p>One 6m high pylon sign is proposed along the site's Richardson Road frontage</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>B5.1 Off-street Car Parking Rates and Requirements</p>	<p>Supermarkets requires 42 spaces per 1,000m² of gross leasable floor area (GLFA) and therefore requires a total of 130.2 spaces</p> <p>The proposed specialty retail requires 45 spaces per</p>	<p>A total of 260 parking spaces have been provided</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>1,000m² of GFLA and therefore requires a total of 76.5 spaces</p> <p>Medical centres require 9 spaces per 1,000m² of GFLA and therefore requires a total of 3.6 spaces</p> <p>The DA therefore requires a total of 211 car parking spaces to be provided</p> <p>1 bicycle space and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces</p> <p>This requires a total provision of 8 bicycle and motor cycle spaces</p> <p>10 service vehicle spaces (50% being able to accommodate trucks</p>	<p>10 bicycle spaces and 10 motorcycle spaces have been provided</p> <p>Service vehicle for 4 delivery trucks have been provided in the building's rear loading dock area. This is considered reasonable provision for this development and compliant with the intent of the control</p>	<p>Yes</p> <p>Yes</p>
B5.2 Car Parking Design Criteria	<p>Car parking lighting must be designed to AS 4282 and 1158</p> <p>Landscaping must be provided to</p>	<p>It is a recommended condition that the proposed car parking is provided with lighting that complies with these standards</p> <p>Appropriate landscaping has</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>soften car parking areas</p> <p>Garbage storage and collection areas should be conveniently located and designed without causing unacceptable on-street conflicts</p>	<p>been proposed to soften the car parking area</p> <p>The proposal can facilitate waste truck collection via the proposed loading dock</p>	Yes
C7.3 Street Network and Design	<p>The existing alignments of Richardson and Springs Roads are to be retained</p> <p>Kerb returns of 8.5m radius for intersections between streets must be provided</p> <p>Streets are to be constructed in accordance with Figure C22</p>	<p>The DA proposes to retain the existing alignment of both Richardson and Springs Roads</p> <p>The proposed kerb returns comply with the requirements of this control</p> <p>The DA proposes to vary the required 13m Access Road (Bush Corridor Edge)</p>	<p>Yes</p> <p>Yes</p> <p>No – DCP variation 1</p>
C7.4 Pedestrian and Cycle Network	<p>The pedestrian and cycle path network is to be constructed to comply with Figure C23</p>	<p>Figure C23 requires the provision of an on-road cycle path along both Richardson and Springs Roads and the proposed development is consistent with this requirement</p>	Yes
C7.5 Public Transport	<p>Figure C24 illustrates the proposed bus routes through Spring Farm and the connections with the surrounding area</p>	<p>Figure C24 shows Springs Road as a proposed bus route. The submitted plans demonstrate that the proposed cross section for Springs Road can facilitate the movement of buses</p>	Yes
D3.2.1 Function and Use	<p>Development within business zones must</p>	<p>The DA proposes a shopping centre with 7 tenancies which</p>	Yes

Control	Requirement	Provided	Compliance
	<p>incorporate a range of local retail, commercial, entertainment, child care, residential and community uses to serve the needs of the local community</p>	<p>can provide a mix of commercial/retail uses to meet the needs of the local community and this is deemed to be acceptable</p>	
<p>D3.2.2 Layout/Design</p>	<p>Layout and design must consider future noise and amenity conflicts for both the subject development and neighbouring developments</p> <p>Where development fronts the street, it must be designed so that it addresses the street or public place</p>	<p>The DA proposes an acoustic barrier ranging in height from 2.4-3.5m along the southern edge of the proposed supermarket loading dock area (facing Springs Road).</p> <p>Acoustic barriers are also proposed around the roof decks to attenuate any potential adverse noise impacts from the proposed mechanical plant equipment.</p> <p>The above is consistent with Council's ENP and will ensure that no adverse noise impacts occur as a result of the proposed development</p> <p>The development fronts both Richardson and Springs Roads and is sufficiently articulated to ensure it addresses both street frontages. This includes the provision of articulation, activation spaces</p>	<p>Yes</p> <p>Yes</p>

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Control	Requirement	Provided	Compliance
	New development must not detract from significant views or vistas	and glazing elements The proposed building will not detract from the existing views or vistas from Richardson or Springs Roads. It provides for an attractive streetscape which will add to the vitality and viability of the Spring Farm Neighbourhood Centre	Yes
D3.2.3 Built Form and Appearance	Buildings should have similar mass and scale to create a sense of consistency and should feature high quality architectural design and built form	The proposed building is of a similar scale to commercial buildings in other commercial zones. The building comprises a range of materials, finishes and colours to ensure a high quality architectural design is achieved. This will in turn create a sense of place for users	Yes
	Development must be compatible with surrounding businesses	The proposed development is the first building to be proposed within the Neighbourhood centre. It is considered that its design, bulk and scale will provide a good example for similar buildings to be constructed which meet both the objectives and controls of the DCP	Yes
	Building wall planes must	The building proposes a mix of	Yes

Control	Requirement	Provided	Compliance
	<p>contain variations and provide visual interest</p> <p>Where multiple tenancies are located in one building, each tenancy must be defined by appropriate architecture design features</p> <p>Consideration is to be given to the interface where buildings and awning abuts an adjoining development</p> <p>Roof forms should be appropriately designed to respond to the built form of other nearby business developments</p>	<p>colours, materials, finishes and height variations to provide sufficient visual interest</p> <p>The DA proposes a commercial building containing a supermarket and 7 tenancies. Those tenancies are contained within the central element of the building. The building in turn is sufficiently articulated via architectural design. This is in the form of height variations and a range of materials, finishes and colours</p> <p>There are no buildings which adjoin or abut the proposed development. It is considered that any future development which abuts the site to the west can be readily accommodated to ensure all the relevant controls are met</p> <p>The proposed roof form comprises articulation and is deemed to be appropriate. As aforementioned, there are no businesses in close proximity to the site as yet but it is considered that the subject roof form represents an</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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Control	Requirement	Provided	Compliance
	<p>New developments must not cause significant overshadowing or overlooking of public places</p> <p>Where a building addresses a corner, the entrance should be on or near the corner and should have positive frontage to both streets and the corner should be emphasised through a built form element</p> <p>Buildings on corner lots may have feature elements that exceed the building height limitation prescribed in LEP 2010</p>	<p>acceptable roof structure</p> <p>The proposed development does not cause any significant overshadowing and does not look directly onto the future public open space area to the east of the site</p> <p>The proposed building addresses its corner frontage along Richardson and Springs Roads through the provision of glazing and a built form element comprising a wrap-around projection element of timber and steel materials. Whilst the entrance is not located on the corner, this is deemed acceptable given the potential traffic and pedestrian conflicts on the intersection of Richardson and Springs Roads</p> <p>As aforementioned, the building has a maximum height of 10.1m and therefore exceeds the prescribed 9.5m height limitation set by the LEP. The increase in height is deemed to be acceptable in that it provides for additional articulation of the roof form and adds</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	Where a building addresses a public space, a building must always address and embellish that public space (this can include a street)	to the overall streetscape of the area The building has frontage to both Springs and Richardson Roads and addresses both street frontages via the provision of landscape embellishment, building articulation and activation spaces	Yes
	Service Infrastructure such as air conditioning must be screened from public view	It is a recommended condition that the design of the air conditioning and plant screening must have regard to the architectural design of the building and use similar colours and materials as the building it rests upon	Yes
	Site facilities such as loading, waste storage and servicing must be designed to minimise visual impact on the public domain and neighbours	The DA proposes a loading dock along the site's frontage to Springs Road which will provide the necessary servicing for all proposed tenancies. This loading dock will be screened by an acoustic fence with a maximum height of 3.5m and also by landscaping which will soften and screen the appearance of the loading dock	Yes
	Security devices must be built into the design of the building	The proposed development incorporates a range of security devices	Yes

ORD04

Control	Requirement	Provided	Compliance
		<p>which have been endorsed by the Camden Local Area Command. These devices include the avoidance of areas for potential concealment, clear site lines and distinct separation between toilet facilities for both male and female users</p>	
<p>D3.2.4 Pedestrian Amenity</p>	<p>Business development must be designed to facilitate high levels of pedestrian amenity and permeability and include weather sheltered access</p> <p>Buildings should be designed to minimise overshadowing of pedestrian thoroughfares and footpaths where possible</p>	<p>The DA proposes high levels of pedestrian amenity by ensuring travel distances are reduced, the provision of internal pedestrian crossings within the site and the provision of shade in the car park through landscaping</p> <p>The proposed pedestrian paths are not located in areas where significant overshadowing will occur</p>	<p>Yes</p> <p>Yes</p>
<p>D3.2.5 Public Domain</p>	<p>Development must include a high quality landscape design</p>	<p>A landscape plan was lodged with the DA which provides for high quality landscaping to soften and screen the proposed development. However, additional landscaping is a recommended condition to ensure that the overall landscape objectives of the DCP are met</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>The building and landscape design is to be complementary to ensure legible, safe and conformable access for pedestrians</p>	<p>Both the landscape and building design are complimentary in that they provide for a safe, comfortable and legible environment for users</p>	Yes
	<p>Street trees and open space plantings are to provide generous shade for pedestrians</p>	<p>The proposed tree species include Eucalyptus benthamii (Camden White Gum) and Eucalyptus tereticornis (Forest Red Gum). These are upper canopy trees which will provide shade for pedestrians</p>	Yes
	<p>All signage and advertising is to be designed in a coordinated manner</p>	<p>As outlined in part B4 of this report, the proposed signage is designed in a consistent manner and is deemed to provide further articulation to the building's facade</p>	Yes
D3.2.6 Parking and Access	<p>The visibility of parking areas at street frontages must be minimised through parking layout, design and landscape treatments</p>	<p>The proposed car parking area, which will be visible from Richardson Road, will be softened by landscaping to ensure large expanses of concrete are avoided</p>	Yes
	<p>Car parking areas must be designed to enable safe, comfortable and easy access for pedestrians</p>	<p>The DA proposes high levels of pedestrian amenity by ensuring travel distances are reduced, the provision of internal pedestrian crossings within the site and legible paths to</p>	Yes

Control	Requirement	Provided	Compliance
	Car parking must be provided in accordance with Part B5 of the DCP	enable safe usage The DA provides for sufficient car parking in accordance with Part B5 of the DCP	Yes
D3.3.1 Maximum Floor Area	The neighbourhood centre will have a combined gross floor area of up to 7,000m ² for a retail neighbourhood centre and 1,000m ² for commercial uses	The DA proposes a neighbourhood centre with a gross floor area of 5,982m ² and therefore complies with the requirements of this control	Yes
D3.3.2 Layout/Design	Layout and design must be consistent with Figure D46 The layout and design must support the vitality of the neighbourhood centre, allow activity to be maintained over long periods and must achieve street activation Development must be designed to provide good exposure to surrounding streets and the Village Green	The layout and design of the proposed development complies with Figure D46 The proposed layout has been designed to achieve street activation and will allow for and encourage uses that continue outside of normal business hours. The proposed supermarket will operate until midnight thus creating an evening function The proposed development has been designed to ensure that it addresses both Richardson and Springs Roads and maintains clear view lines to the future Village Green to the east	Yes Yes Yes

Control	Requirement	Provided	Compliance
	<p>The neighbourhood centre must be provided with on-street parking for convenience and to contribute to the street life and surveillance</p>	<p>On-street car parking will be provided as part of the required Richardson Road reconstruction</p>	<p>Yes</p>
	<p>The neighbourhood centre must be provided with off-street car parking design in accordance with Australian Standards</p>	<p>Sufficient off-street car parking is proposed that complies with relevant Australian Standards</p>	<p>Yes</p>
	<p>Landscaping should be provided to reduce the visual impact of large expanses of parking areas</p>	<p>A landscape plan has been submitted with the DA and additional landscaping is a recommended condition to ensure that large expanses of car parking are visually softened</p>	<p>Yes</p>
	<p>Potential noise and amenity conflicts from the Nepean/Camden zone substation must be taken into consideration when designing development</p>	<p>It is not considered that the Endeavour Energy Substation will have any adverse impacts on the proposed development in terms of noise impacts. The substation is approximately 295m to the south east of the site. The loading dock area is located to the south of the site to ensure that the pedestrian entrance is shielded from any potential noise impacts</p>	<p>Yes</p>

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Control	Requirement	Provided	Compliance
	Travel distances to and within neighbourhood centres should be minimised and connectivity provided	Travel distances have been minimised in the proposed development with car parking provided in close proximity to the building entrance. Sufficient connectivity has been proposed	Yes
D3.3.3 Built Form and Appearance	<p>Subject to compliance with the building heights contained in the LEP, development within the neighbourhood centre should have a range of building heights up to a maximum of 3 storeys</p> <p>Buildings are to be visible from and address the street frontages and setbacks are to be minimised</p>	<p>The DA proposes a single storey building with a maximum height of 10.1m. The proposed building height varies from 8.2m to 10.1m and is deemed to be acceptable from an urban design perspective</p> <p>The building has frontages to both Richardson and Springs Roads and proposes a 2m building setback. It is considered that the interface of the building to both roads is sufficient in that activation is proposed along Richardson Road and the loading dock area adjacent to Springs Road is sufficiently articulated and softened via landscaping. However, it is recommended that the proposed feature element which wraps around the building is reduced in bulk at the corner of</p>	<p>No – see LEP variation 1</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
		Richardson and Springs Road as marked in red on Drawing No DA04 Issue A in order to better maintain a human scale	
	Blank walls visible from principal streets and the public domain are to be limited	The DA does not propose any blank walls and the proposed building is sufficiently articulated to provide visual interest	Yes
	Dedicated service access to loading facilities for retail and commercial buildings must be provided via back or side lanes that are screened from view on the main street	The DA proposes a loading dock area adjacent to Springs Road. This loading dock area will be sufficiently screened by landscaping	Yes
	Development within the retail/commercial precincts must be built to the street alignment	The proposed building maintains a 2m setback to both Richardson and Springs Roads. Given the context of the site and need to address a number of constraints, DCP controls and provide a workable development, the minimal setbacks proposed are considered to achieve the underlying intent of this control	Yes
	Street trees providing shelter are important to encourage pedestrians to use	The proposed tree species which include Lirodendron tulipifera (Tulip tree) and Caloedendron capense (Cape	Yes

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Control	Requirement	Provided	Compliance
	<p>Development must use design solutions to reduce opportunities for crime</p>	<p>Chestnut tree) are upper canopy trees which will provide shade for pedestrians</p> <p>The proposed development incorporates a number of safer by design measures including the provision of clear sight lines for surveillance, security shutters, CCTV, security lighting and clearly defined site boundaries. Both Council staff and the Camden Local Area Command are satisfied with the crime prevention measures proposed</p>	<p>Yes</p>
	<p>The neighbourhood centre must be provided with on-street parking that is conveniently located, attractive and open for surveillance</p>	<p>Both Richardson and Springs Roads provide for on-street parking which is conveniently located adjacent to the proposed development</p>	<p>Yes</p>
	<p>Development located on the edges of the neighbourhood centre must address potential for land use conflict and to ensure neighbourhood centres relate sympathetically to the surrounding development</p>	<p>The applicant has addressed the interface with residential development which will be located to the east and west of the site. Attenuation measures are proposed to ensure to address noise impacts as a result of the proposed development. The proposed development is also</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
		designed and landscaped to ensure it provides activation/integration and is deemed to be sympathetic to surrounding developments	

DCP Variation 1 – 13m Access Road (Bush Corridor Edge)

DCP Control

The DCP currently requires the provision of a 13m wide access road (bush corridor edge) along the north western boundary of the site. This road is to have an 8m wide carriageway with landscaped verges including a 2.5m wide shared pedestrian/cyclist path.

The applicant has proposed an 8.8m wide access road which contains a 6m wide carriageway and a 2.5m wide shared path.

At the Ordinary Council meeting of 12 November 2013, Council considered a DCP amendment for this area, which included a reduction of the width of this Bush Corridor Edge Road in accordance with the proposed variation. Council resolved to publicly exhibit the DCP amendment. The DCP amendment is currently on exhibition.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- the proposal provides a buffer zone which enables fire trucks to access the bush corridor to the north; and
- the proposed reduced road width still complies with the Rural Fire Service's Planning for Bush Fire 2006 publication.

Council Staff Assessment

Council staff have reviewed this variation request and recommend that it be supported for the following reasons:

- the provision of a 6m wide carriageway is deemed to be sufficient to enable fire trucks to access the bush corridor land to the north and to allow for internal traffic within the site to manoeuvre without any adverse impacts;
- the reduced carriageway width fully complies with Planning for Bush Fire Protection 2006 and is deemed to be sufficient by the NSW Rural Fire Service; and
- the reduced road width still provides for a 2.5m wide shared path to encourage pedestrian and cyclist movement within the area.

Consequently it is recommended that Council support this proposed variation to the DCP.

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 23 July to 6 August 2013. 1 submission was received (objecting to the proposal). **A copy of a public exhibition and submissions map is provided with the Business Paper Supporting Documents.**

The following discussion addresses the issues and concerns raised in the submission.

1. *Adverse traffic impacts on the Glenlee Coal Site as a result of construction works on the subject site, specifically roadworks along Richardson and Springs Roads.*

Officer comment:

Traffic impacts during the construction phase have been assessed and it is a recommended condition that a construction traffic management plan be provided to Council for approval prior to the issue of a Construction Certificate which details construction vehicle routes, numbers of trucks, hours of operation, access arrangements and traffic control measures. The condition requires that there are no adverse impacts upon, including upon access to/from, surrounding businesses during the construction of the proposed development, specifically works on Richardson and Springs Roads.

This condition is also a request of the RMS who has raised no objection to the DA subject to the implementation of a number of conditions. This will ensure that sufficient access is provided to ensure no neighbouring businesses/operations are adversely impacted by the construction of the proposed development.

2. *Details on the timing of the availability of the new Glenlee Precinct and Jacks Gully access road off Liz Kernohan Drive should be provided.*

Officer comment:

The timing of the availability of the new Glenlee Precinct and Jacks Gully access road off Liz Kernohan Drive is not a matter for consideration as part of this DA as the proposed development is not dependent on that access road.

However, Council staff are currently assessing a separate DA which proposes a staged construction of Springs Road to extend it from the existing intersection with Richardson Road to the east.

Council staff do not have any information on the timing of the construction of these roads.

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

Pursuant to 79BA of the *Environmental Planning and Assessment Act 1979*, the DA was referred to the NSW RFS for comment as the majority of the site is mapped as bush fire prone land. The RFS has raised no issues with the proposed development subject to compliance with the recommendations outlined in a bush fire report lodged in support of the DA. It is a recommended condition that the DA fully complies with the requirements of this report.

Camden Local Area Command (CLAC)

The DA was referred to the CLAC for comment. The CLAC raised some concerns in relation to the lack of separation between the proposed male and female toilets and the provision of a gate securing the proposed loading dock along Springs Road. Following discussions with Council staff, the applicant has agreed to provide a fin wall which will further separate both the male and female toilets and this is a recommended condition.

The provision of a gate securing the loading dock area along Springs Road was also discussed with Council staff and the applicant. Council staff are of the opinion a gate would lead to adverse traffic impacts when trucks attempt to enter the site as they would have to stop on Springs Road whilst the gate is opened. It is considered that alternative crime prevention measures which include CCTV, lighting and intruder alarms are a sufficient deterrent for any potential crime. These alternative measures have been discussed with CLAC who are satisfied with them in place of the gate.

The CLAC have recommended several safety features for this development including CCTV cameras, anti-vandal lighting, an intruder alarm system and bollards to prevent ram raids. All of the CLAC's recommendations are recommended as conditions with

the exception of the provision of a gate at the loading dock for the reasons outlined above.

Department of Trade and Investment Resources & Energy (DITRE)

The DA was referred to DTIRE for comment as the site is located within an area identified as having extractive material of regional significance. DTIRE has raised no issues with the proposed development and have noted that Council needs to satisfy itself that measures are in place to avoid future land conflict. Council staff are satisfied that there will be no future land conflict as a result of the proposed development.

Mine Subsidence Board (MSB)

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the DA is classed as Integrated Development as the site is located within the South Campbelltown Mine Subsidence District and requires the approval of the MSB prior to the DA being determined. The MSB has provided approval for the proposed development subject to a number of conditions relating to construction standards. Compliance with the MSB approval is a recommended condition.

Endeavour Energy (Endeavour)

The DA was referred to Endeavour in that works are proposed adjacent to an existing electricity transmission line and easement. The easement traverses the site along its eastern side. Endeavour has provided a response noting that an application must be made to it for asset relocation works. It is a recommended condition that an asset relocation application is made to Endeavour Energy prior to the issue of a Construction Certificate.

Roads and Maritime Services (RMS)

The DA was referred to the RMS for comment as the proposed development is classed as traffic generating development. The RMS has made several recommendations in relation to the proposed development which include compliance with AS 2890, the provision of sufficient pedestrian facilities within the site and the preparation of a construction management plan detailing construction vehicle routes, numbers etc.

Council staff have reviewed and agree with the recommendations of the RMS. These are recommended as part of the conditions contained in this report.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 541/2013 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
DA01 Revision B	Site Plan	I2C	27 August 2013
DA02 Revision B	Ground Floor Plan	I2C	26 August 2013
DA03 Revision A	Roof Plan	I2C	24 June 2013
DA04 Revision A	Elevations 01	I2C	24 June 2013
DA05 Revision A	Elevations 02	I2C	24 June 2013
DA06 Revision A	Sections	I2C	24 June 2013
34813DT	Plan of Detail ad Levels Sheets 1 & 2	Lockley Land Title Solutions	24 April 2012
DA001 Revision 3	Standard Notes & Legend	Brown Consulting Smart	27 August 2013
DA100 Revision 3	Site Layout Key Plan	Brown Consulting Smart	27 August 2013
DA101 Revision 3	Car Park Sheet 1	Brown Consulting Smart	27 August 2013
DA102 Revision 3	Car Park Sheet 2	Brown Consulting Smart	27 August 2013
DA103 Revision	Car Park Sheet 3	Brown Consulting Smart	27 August 2013
DA104 Revision 3	Northern Roundabout Richardson Road	Brown Consulting Smart	27 August 2013
DA106 Revision 3	Woolworths Loading Dock Plan	Brown Consulting Smart	27 August 2013
DA200 Revision 3	Richardson Road & Springs Road Long Sections	Brown Consulting Smart	27 August 2013
DA301 Revision 3	Site Sections	Brown Consulting Smart	27 August 2013
DA302 Revision 3	Site Sections	Brown Consulting Smart	27 August 2013
DA303 Revision 3	Site Sections	Brown Consulting Smart	27 August 2013
DA304 Revision 3	Site Sections	Brown Consulting Smart	27 August 2013

DA401 Revision 3	Site Drainage Layout	Brown Consulting	Smart	27 August 2013
DA402 Revision 3	Site Drainage Sheet 1	Brown Consulting	Smart	27 August 2013
DA403 Revision 3	Site Drainage Sheet 2	Brown Consulting	Smart	27 August 2013
DA404 Revision 3	Site Drainage Sheet 3	Brown Consulting	Smart	27 August 2013
DA405 Revision 3	Site Drainage Catchment Plans	Brown Consulting	Smart	27 August 2013
DA410 Revision 3	Drainage Details Sheet 1	Brown Consulting	Smart	27 August 2013
DA411 Revision 3	Drainage Details Sheet 2	Brown Consulting	Smart	27 August 2013
DA600 Revision 3	Bulk Earthworks Plan	Brown Consulting	Smart	27 August 2013
DA700 Revision 3	Site Drainage Layout Plan	Brown Consulting	Smart	27 August 2013
DA701 Revision 3	Sediment & Erosion Control Details	Brown Consulting	Smart	27 August 2013
12-1662-R2	Revised Noise Impact Assessment	Revers Acoustics		August 2013
X12305-01	Stormwater Concept Plan	Brown Consulting	Smart	November 2012
L_101 & L_501 Issue D	Landscape Master Plan & Detail Sheets 1-2	Elke Haege		25 June 2013
8748/2	Traffic & Parking Assessment	Colston Budd Hunt & Kafes Pty Ltd		June 2013
E25701KHrpt	Preliminary Environmental Site Assessment	Environmental Investigation Services		May 2012
31570.001	Salinity Hazard Assessment & Management Plan	SMEC		June 2005

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Amendments to Proposed Plans** - The proposed feature element which wraps around the building on the site's south eastern elevation must be reduced in height at the corner of Richardson and Springs Road as marked in red on Drawing No DA04 Issue A.

In addition, the proposed sign along Richardson Road (referenced as S1) must be reduced in height to be consistent with the roof height of the building at that point.

- (3) **Richardson Road** – The construction of Richardson Road must fully comply with Drawing No 76788.01 DA201 Revision B prepared by SMEC Urban dated 9 August 2013.

- (4) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all landscaping associated with this Consent.

The 24 month maintenance and establishment period includes the Applicant's responsibility for the establishment, care, watering and repair of all landscaping including all the street tree installations.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon a DPC.

Prior to Council accepting the maintenance responsibility for the nature strip area, other Public Open Space areas and the nature strip street trees, all landscaping in these areas must be in an undamaged, weed free, safe and functional condition and all plantings have signs of healthy and vigorous growth

At the completion of the maintenance and establishment period, all the nature strip street trees and their installed tree guard protection, must be established, undamaged and all trees have signs of healthy and vigorous growth.

- (5) **Landscaping Installation, Establishment and Maintenance Costs** - The applicant will be responsible for all costs involved with the landscaping installation, establishment and maintenance works. The costs involved will include, but not limited to, such items as electricity costs and water usage.
- (6) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road MUST be submitted to and approved by Camden Council prior to the issue of any Construction Certificate.

- (7) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (8) **Car Park Design** - The car park must be designed in accordance with AS/NZS 2890.1 for user class 3A. All car parking spaces designated for people with disabilities must be in accordance with AS/NZS 2890.6:2009 – Figure 2.3.
- (9) **Proposed Bush Corridor Edge Road** – A right of carriageway must be included in the title for the full length of this road within the subject site to allow Council vehicles to gain access to the bush corridor land to the north of the site.
- (10) **Loading Dock on Springs Road** - The design of the loading docks accessed from Springs Road must be in accordance with AS 2890.2 to minimise the

interference between vehicles manoeuvring into and out of the site and vehicles travelling through on the public road.

- (11) **Pram Ramp Provision** - Pram ramps are to be provided at all crossing points and should be located to minimise pedestrian carriageway crossing distances.
- (12) **Roundabout Design** - The proposed roundabouts must be designed and constructed to include safe crossing opportunities for pedestrians through the inclusion of breaks in all concrete splitter islands with a minimum crossing gap width of 3m and when associated with a shared path should include provision for pedestrian and cyclist movements, with crossing gap dimensions in accordance with relevant standards.
- (13) **Shared Path along Bush Corridor Edge Road** - The shared path along the Bush Corridor Edge Road must be provided in accordance with *Figure 8.8 Barrier fencing clearances for off-road paths* of the RMS NSW Bicycle Guidelines. The shared path width must be a minimum of 2.75 metres wide when safety fencing (railing) is installed, plus an additional 0.25 metres (clearance) and 0.08 metres (E7 edge line width).
- (14) **Line Marking** - The proposed shared path must be signposted and line marked in accordance with the RMS NSW Bicycle Guidelines.
- (15) **Internal Pedestrian Crossings** - The pedestrian crossings identified in the car park must be designed and constructed in accordance with AS 1742.10 and RMS TDT 2002/12c.
- (16) **Relocation of Proposed Bus Stop** - The existing gazetted bus stop located on the northern side of Springs Road, immediately west of Richardson Road must be accommodated with the provision of a 'Bus Zone' and other parking controls to the relevant standard.
- (17) **Signs, Lines & Devices** - All on-road regulatory signage, line marking and devices are subject to the concurrence of the Camden Local Traffic Committee, including potential parking controls on public roads adjacent to the site.
- (18) **Provision of a Fin Wall** – A fin wall must be provided between the two entries to the toilet/amenities to ensure separate access is provided for both the male and female toilets.
- (19) **Individual Tenancies (unknown use)** - Approval is given for the construction of a commercial building comprising a supermarket, 7 retail tenancies and 1 kiosk. The fit out and operation of the supermarket as a Woolworths supermarket must be subject to a separate development application. In addition, the use and occupation of all other individual tenancies are subject to a separate development application being lodged with and approved by the Consent Authority.
- (20) **Waste Minimisation & Management** – All Waste Minimisation and Management must fully comply with the requirements of Part B1.9 of Camden Development Control Plan 2011.
- (21) **Roads and Maritime Services (RMS) Requirements** - All the requirements of the letter from RMS to Camden Council dated 29 July 2013 must be fully complied with at all times.

- (22) **Rural Service (RFS) Requirements** - All the requirements of the letter from RFS to Camden Council dated 16 July 2013 must be fully complied with at all times.
- (23) **Mine Subsidence Board (MSB) Requirements** - All the requirements of the letter from MSB to Camden Council dated 13 November 2013 must be fully complied with at all times.
- (24) **Camden Local Area Command Requirements** - All the requirements of the letter from the Camden Local Area Command to Camden Council dated 17 July 2013 must be fully complied with at all times. The only exception to this is the recommended gate across the site's loading dock which is not to be provided.
- (25) **External Glass** – The reflectivity index for all glass used externally must not exceed 20%.
- (26) **Noxious Weeds** -
 - (a) The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after construction. New infestations must be reported to Council.
 - (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure that at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Detailed Landscaping Plans** – Prior to the issue of the Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer must be submitted with the Construction Certificate application and must be in accordance with Camden Council's current Engineering Design Specifications.

A Construction Certificate for this Development must not be issued until detailed landscaping plans have been provided and include the following listed items.

- (a) 20 Nature strip street trees are to be installed:
 - (i) Ensure that the necessary street tree installations are clearly shown in the detailed Landscaping Plans.
 - (ii) All street trees must have at time of planting, well constructed tree guard protection installed. A minimum requirement is the installation of at least 4 timber bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The

bollards are to be timber and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

- (iii) Eucalyptus, Angophora, Corymbia, Casuarina, Araucaria and Kurrajong must not be installed in any median strip, road verge or nature strip planting adjoining this site.
 - (iv) All the street trees are sourced in a minimum 100 litre container size, have one central main stem and can stand alone without the need for staking.
 - (v) There must be a minimum 10 street trees installed within the nature strip area fronting Richardson Rd. The trees must be Lirodendron tulipifera (Tulip tree) sourced in minimum 100 litre container size.
 - (vi) There must be a minimum 10 street trees installed within the nature strip area fronting Springs Road. The trees must be Caloedendron capense (Cape Chestnut tree) sourced in minimum 100 litre container size.
 - (vii) Garden bed areas that endanger impede or prevent pedestrian or other thoroughfare must not be installed on Council Nature Strip areas.
 - (viii) Sufficient planting and garden bed areas must be provided along the interface area of Springs Road and the subject site, to ensure that the loading areas, waste facilities and service entry are softened and screened from view along Springs Road.
- (b) The detailed landscaping plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the planting positioning, species by botanical and common names, quantities and planting sizes.
 - (c) The landscaping plans specifications must also clearly show the programme to be applied to ensure the successful establishment of the landscaping and street trees over the 24 month consent conditioned maintenance and establishment period.
 - (d) The landscaping plans lodged for the issue of the Construction Certificate must include any proposed public open space landscaping. The landscaping plans must detail all proposed signage, paths, bins, seating, street art or any other proposed landscaping items. If any hard landscaping elements are proposed to be installed on public open space areas then approval must be given by the Consent Authority (i.e. Camden Council) that these elements can be installed within the public open space areas.
 - (e) Any proposed road verge entry feature, statement feature wall, or signage are not to be positioned on any public open space areas such as the nature strip or other Council maintained area. Any entry statement wall, signage or entry feature is to be positioned wholly within the boundaries of the subject site and this must be clearly shown on any Construction Certificate landscaping plans relevant to this Consent.

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- (2) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sacs, etc. must be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (3) **Civil Engineering Plans** - Indicating drainage, roads, access ways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with the relevant Development Control Plan and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the engineering Construction Certificate being issued.
- (a) under the *Roads Act 1993*, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - (b) under section 109E of the *Environmental Planning and Assessment Act 1997*, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

- (4) **Easement Creation** – Where the disposal of drainage involves the provision of drains across lands owned by others and is not within a water course, drainage easements must be provided. The width of such drainage easements must be in accordance with Camden Councils current Engineering Specifications. Documentary evidence of creation of the easement/s must be submitted to Council (for information purposes) prior to the issue of a Construction Certificate.

The easement must be obtained over downstream properties and such easement must be registered with the Land and Property Information prior to the release of Occupation Certificate.

- (5) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided,
- (c) the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88b Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (a) view the state of repair of the basin;
 - (b) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
 - (c) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (6) **Retaining Walls** - All retaining walls must be certified by a suitably qualified Structural Engineer. Retaining walls must incorporate all necessary easements for support and maintenance and be wholly contained within 254A Richardson Road, Spring Farm. Adequate provisions must also be made for surface and subsurface drainage. Any water collected must be diverted and connected to a stormwater disposal system.
- (7) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (8) **Roads Act 1993 Consent** - Prior to the issue of a Construction Certificate, consent pursuant to s.138 of the *Roads Act 1993* must be obtained from the Roads Authority for the design and construction of all the proposed work in, on or over the road reserves adjacent to the subject site.

The design must include, but not be limited to, plans/documents associated with:

- (a) the construction of kerb and gutter, road shoulder and drainage
- (b) footway formation
- (c) public utility service adjustment or installation
- (d) an Environmental Site Management Plan.

Further all such plans and documents associated with the design must be certified by:

- (a) persons who are suitably accredited by a scheme approved by the NSW Department of Planning or where no scheme exists,

- (b) persons who are suitably qualified, are specialists and in that regard, currently practising in that specialist area, or
- (c) in the case of a Public Utility Authority, an appropriately delegated officer of that Authority or accredited person by that Authority,

and prepared in accordance with Camden Council's current Engineering Design Specifications.

- (9) **Geotechnical Report** - The developer must engage an approved geotechnical consultant to prepare a report to be submitted to the Certifying Authority for approval prior to a Construction Certificate being issued. The report must cover, but not be limited to:

- (a) extent and stability of proposed embankments (particularly those acting as retarding basins);
- (b) recommended geotechnical testing requirements;
- (c) required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
- (d) compaction specification for all fill within private subdivisions;
- (e) the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas must be identified on a plan and the engineering plans must be amended to indicate that no vibratory roller,5 must be used within that zone;
- (f) the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
- (g) the preferred treatment of any unstable areas within privately owned allotments;
- (h) requirement for sub-surface drainage lines;
- (i) overall suitability of the engineering plans for the proposed development.

- (10) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:

- (a) all matters associated with Council's Erosion and Sediment Control Policy.
- (b) all matters associated with Occupational Health and Safety.
- (c) all matters associated with Traffic Management/Control.
- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.

- (11) **Traffic Management Plan** – A construction traffic management plan is required in accordance with Camden Council's current Engineering Design

- Specifications. The traffic management plan must ensure that there are no adverse impacts upon, including access to/from, surrounding businesses during the construction of the proposed development, specifically works on Richardson and Springs Roads. The traffic management plan must be provided to Council for approval prior to the issue of a Construction Certificate.
- (12) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
 - (13) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
 - (14) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
 - (15) **Pre-Treatment of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. Such pre-treatment devices/strategy must prohibit the discharge of hydrocarbons and heavy metals to Council's stormwater system at all discharge points and shall be kept in good order with regular removal of pollutants and maintenance.
 - (16) **Roundabout Construction** - The proposed roundabouts must be designed in accordance with AustRoads Part 4B and related RMS supplements for a semi-trailer design vehicle and permit the through movement of a standard bus without the need to mount any island, in order to maintain bus passenger comfort and safety.
 - (17) **Endeavour Energy** – An asset relocation application seeking approval to relocate the existing transmission line must be submitted to and approved by Endeavour Energy. The approval must be obtained prior to the issue of a Construction Certificate with a copy provided to Council for information.
 - (18) **Screen Roof Mounted Plant** – Any required roof mounted ventilation and plant equipment must be adequately screened from view of the surrounding development.

The design of the screening must have regard to the architectural design of the building and use similar colours and materials as the building it rests upon.

Details of its design and construction must be submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued.

- (19) **Cumulative Noise Impacts – Mechanical Plant** – Prior to the issue of the Construction Certificate, the developer must provide the certifying authority a report from a suitably qualified and experienced acoustic consultant that confirms that mechanical plant and equipment has been selected, located and attenuated to ensure that cumulative noise impacts from mechanical plant and car park activities does not exceed 35db(A) night-time at receivers 2 and 3 (as

identified in the report titled *Revised Noise Impact Assessment* prepared by Reverb Acoustics, report number 12-1662-R2, dated August 2013).

Note: Acoustic screens and barriers on plant decks must not cause the finished height of the development to exceed 10.1m from existing ground level.

- (20) **Disability (Access to Premises – Buildings) Standards 2010** – The development must comply with the Disability (Access to Premises – Buildings) Standards 2010. Compliance must be demonstrated to the certifying authority prior to the issue of a Construction Certificate.
- (21) **Special Infrastructure Contribution** - Prior to the issue of any Construction Certificate, the applicant must submit to the consent authority written evidence from the Department of Planning and Infrastructure that a special infrastructure contribution has been made (if required) in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

Information on the Special Infrastructure Contribution can be found on the Department of Planning and Infrastructure's website:

www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/t/abid/75/language/en-US/Default.aspx.

- (22) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:-

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the soil and water management plan prior to the release of the Construction Certificate.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site and must be designed and installed in accordance with Camden Council's current Engineering Design Specifications

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project

when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (2) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (3) **Erection of Signs** – Erection of signs must be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (4) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Protection for Existing Trees and other Landscape Features On-Site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and

experienced persons or organisations. This work should only be carried out by a qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (2) **Compaction (General)** - Those proposed allotment which is subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (3) **Building and Demolition Work Hours** - All such work must be restricted to the following hours: -
 - a) between 7am and 6pm Mondays to Fridays (inclusive);
 - b) between 8am to 5pm Saturdays,Work is prohibited on Sundays and Public Holidays.
- (4) **Vehicles Leaving the Site** - The contractor/demolisher/construction supervisor must ensure that:-
 - (a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - (b) the wheels of vehicles leaving the site:-
 - (i) do not track soil and other waste material onto any public road adjoining the site.
 - (ii) fully traverse the Stabilised Access Point (SAP).
- (5) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
 - (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;

- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Occupation Certificate.

- (6) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (7) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use; and
 - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- (e) less than 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (8) **Zone of Influence to an Easement** - Structures adjacent to an easement or within the zone of influence of the easement must be designed to utilise a pier and beam system of footing or other approved method designed by a suitably qualified practising Structural Engineer. The loads must be transferred below the invert of existing pipeline within the easement. A Compliance Certificate/documentary evidence confirming compliance with this condition must be submitted prior to the construction proceeding above floor level.
- (9) **Shoring and Adequacy of Adjoining Property** - Shoring and Adequacy of Adjoining Property must be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (10) **External Materials and Finishes** - The development must be completed in accordance with the approved schedule of external materials, colours and finishes.
- (11) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (12) **Unexpected Finds Contingency (General)** - Should any further suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Council's Policy - Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (13) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plan titled Salinity Hazard Assessment and Management Plan - Spring Farm Stage 1 & 2 Camden" prepared by SMEC Australia Pty Ltd dated, June 2005 - Project No. 31570.001.
- (14) **Construction Noise Levels** - Noise levels emitted during earthworks/ construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

5.0 - Prior To Issue Of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.
- (2) **Installation of 20 Street Trees and their Protective Guards and Bollards -**
- (a) The Applicant is advised that all 20 street trees are to have well constructed tree guard protection installed. A minimum requirement is the installation of at least 4 bollards per street tree. The bollards are to

be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for 1.2m above ground exposure and .6m buried support. The bollards are to be timber and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA.

- (b) All street trees are to have root barrier installation to the kerb.
 - (c) Prior to the issue of the Occupation Certificate, any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored.
 - (d) Any repairs, relocations, installations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.
- (3) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (4) **Fire Safety Certificates** – A Fire Safety Certificate is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of an Occupation Certificate in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The Fire Safety Certificate is to certify that each fire safety measure specified in the current fire safety schedule for the building to which it relates:
- (a) has been assessed by a properly qualified person; and
 - (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of Fire & Rescue New South Wales, and

- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- (5) **Richardson Road and Springs Road** – Prior to the issue of an Occupation Certificate, both Springs Road and Richardson Road must be fully constructed in accordance with the approved plans and must be fully operational.
- (6) **Installation of Acoustic Attenuation Measures** – Prior to the issue of the Occupation Certificate, the developer must provide the certifying authority with a report that confirms that the following noise attenuation measures, as recommended in Section 8 of the report titled *Revised Noise Impact Assessment* prepared by Reverb Acoustics, report number 12-1662-R2, dated August 2013, have been complied with:
 - a) The underside of any roof or ceiling in the loading dock areas must be treated to absorb reflected noise. A perforated metal ceiling to the underside, i.e. Luxalon, Renhurst, or similar, minimum 10-15% open area, backed with R2 fibreglass or S2 polyester insulation is recommended. Alternatively, a perforated plasterboard or perforated FC sheet ceiling may be installed with cavity insulation. If the insulation is exposed to the weather, hosing or washing, use of a water resistant acrylic blanket is recommended. See Figure 2 in the acoustic report for details.
 - b) An acoustic barrier 3500mm above FFL is to be erected along the south edge of the supermarket loading dock area and 2400mm above FFL along the south edge of the specialty dock area. The barriers may be constructed from concrete, stud wall (typically 64/76mm stud lined both sides with 12mm FC sheeting), 75mm Powerpanel, pre-cast concrete, or materials of equivalent surface mass. See Figure 3 in the acoustic report for details.
 - c) Signs are to be erected in conspicuous locations in the loading docks instructing drivers to turn off their engines once in place at the dock.
 - d) Noise emissions from the substation kiosk must not exceed a sound pressure level of 62dB(A),Leq at a distance of 3 metres. Where plant intended to be installed on the site produces noise in excess of specified levels, noise control will be required to ensure satisfactory noise emissions.
 - e) Any exhaust plant in an exposed location that produces a sound pressure level in excess of 65dB(A) at a distance of 1 metre from the discharge point must be acoustically treated. Several noise control options are available, namely, installation of in-duct silencers, positioning outlets behind acoustic barriers for other plant items or installing directional exhausts stacks.
 - f) Acoustic barriers must be erected along the perimeter of the plant decks. Barrier locations and heights are shown below and in Figure 3. Barrier construction is to consist of an outer layer of 12mm fibre cement sheeting, 25mm construction plywood, Hebel Powerpanel, or similar material, with an absorbent inner surface of Woodtex (or similar) fixed to furring channels, with a cavity infill of S1.5 polyester insulation.

Deck	Barrier Location	Barrier Height
Supermarket	N/S/W edges	300mm above top highest plant item*
Specialty (North)	N/S/W edges	Equal in height to highest plant item*

Specialty (South) N/S/W edges Equal in height to highest plant item*

*The acoustic barriers must not cause the finished height of the development to exceed 10.1m from existing ground level.

- g) The following recommended noise controls need to be implemented for the plant room and plant deck:

Calculated SPL, Mechanical Plant – Propagated to Nearest Receivers

Item/Location	Received Noise	Recommended Noise Control
Proposed Commercial/Retail E (R1)		
Plant Decks	55	Acoustic barriers N/S/W edges
Plant Room	22	See Note 3
SUM	55	
Proposed Residential SW (R2)		
Plant Decks	36	Acoustic barriers N/S/W edges
Plant Room	24	See Note 3
SUM	36	
Proposed Residential W (R3)		
Plant Decks	36	Acoustic barriers N/S/W edges
Plant Room	30	See Note 3
SUM	37	
Proposed Residential N (R4)		
Plant Decks	30	Acoustic barriers N/S/W edges
Plant Room	14	See Note 3
SUM	30	
Proposed Residential NE (R5)		
Plant Decks	27	Acoustic barriers N/S/W edges
Plant Room	12	See Note 3
SUM	27	

NOTE 1: All barrier heights are above top of plant, not height above plant deck.

NOTE 2: Any supply/exhaust fans in plant room roof must not produce an SLP >65dB(A) at 1 metre (includes combined noise from fans and plant equipment). Acoustically rated ducts/louvres must be installed at plant room side of fan for any roof opening.

NOTE 3: Should impervious acoustic barriers create ventilation problems for the plant decks or plant room walls, we recommend installing acoustic louvres. The louvres must have the following insertion loss values:

Required Insertion Loss Values for Acoustic Barriers/Plant Room Louvres – dB

	Octave Band Centre Frequency, Hz							
	63	125	250	500	1k	2k	4k	8k
NR	10	12	15	19	20	18	18	14
STL 4	6	9	13	14	12	12	8	

- h) Acoustic barriers equal in height to the top of the plant, are to be erected along three (3) sides towards the residential areas, for any air conditioning/refrigeration plant on the roof of the liquor outlet. Construction should be similar to that described for the main plant deck. Should plant be located in a shielded location, i.e. at ground level or behind other structures, the acoustic barriers will not be required.

6.0 - Operational Conditions

The following conditions of consent are operational conditions applying to the development.

- (1) **Graffiti Management Plan** - A graffiti management plan must be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence occurring.
- (2) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises. In addition, all illumination must comply with AS 1158 and AS 4282.
- (3) **Maintenance** - The subject signs must be maintained in good order at all times. The approved design, colour scheme and wording of the signs must not be altered without the prior written approval of the Consent Authority (i.e. Camden Council).
- (4) **Trolley Bay** – All trolleys must be returned to the proposed trolley bays and staff must ensure that no trolleys are left within car parking spaces or landscaped areas. A trolley management system must be implemented, e.g. coin operated, etc. to ensure that no trolleys leave the site.

In the instance tractors are used for trolley collection, they must not be used during the late evening or at night unless compliance with the Council's Environmental Noise Policy criteria can be met.

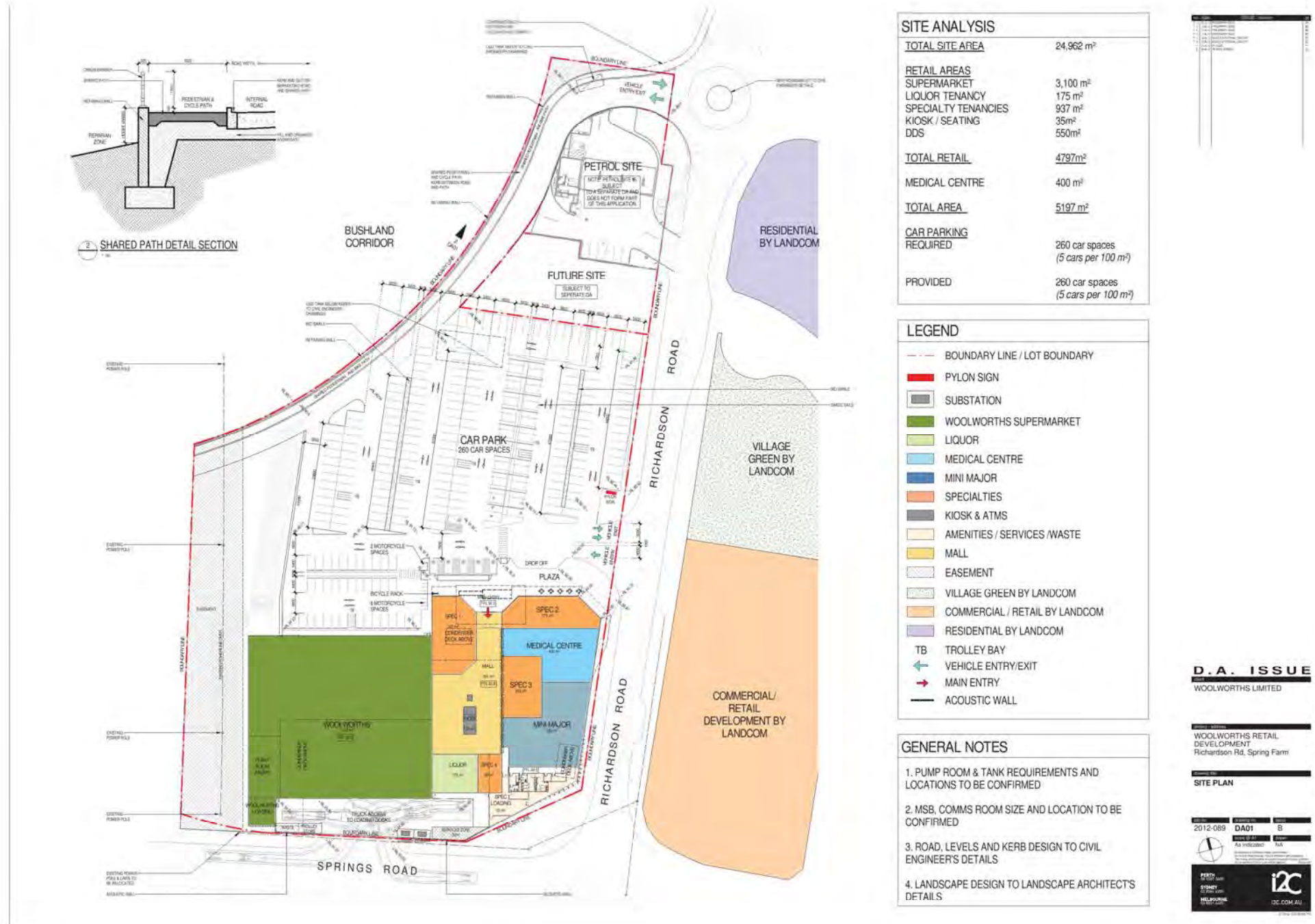
- (5) **Dust Control** - Potential dust sources on-site must be minimised through the maintenance of vegetation cover and the use of water sprays to suppress dust from exposed areas during periods of dry and/or windy weather.
- (6) **Signage** - The approved signage can only be displayed at such times as the proposed supermarket and liquor store are approved and become operational via separate DAs.
- (7) **Hours of Operation for Proposed Supermarket** – The approved hours of operation for the supermarket are from 6am to midnight seven days a week.
- (8) **Hours of Operation for all Other Uses within the Shopping Centre** – The approved hours of operation for all other uses within the shopping centre is from 9am to 9pm seven days a week.

RECOMMENDED

That Council approve DA 541/2013 for the construction of a shopping centre containing a supermarket, commercial/retail tenancies and associated site works at 254A Richardson Road, Spring Farm subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans A3
2. Revised Elevations
3. Submission - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*



SITE ANALYSIS

TOTAL SITE AREA	24,962 m ²
RETAIL AREAS	
SUPERMARKET	3,100 m ²
LIQUOR TENANCY	175 m ²
SPECIALTY TENANCIES	937 m ²
KIOSK / SEATING	35 m ²
DDS	550 m ²
TOTAL RETAIL	4,797 m²
MEDICAL CENTRE	400 m ²
TOTAL AREA	5,197 m²
CAR PARKING REQUIRED	260 car spaces (5 cars per 100 m ²)
PROVIDED	260 car spaces (5 cars per 100 m ²)

LEGEND

- BOUNDARY LINE / LOT BOUNDARY
- █ PYLON SIGN
- █ SUBSTATION
- █ WOOLWORTHS SUPERMARKET
- █ LIQUOR
- █ MEDICAL CENTRE
- █ MINI MAJOR
- █ SPECIALTIES
- █ KIOSK & ATMS
- █ AMENITIES / SERVICES / WASTE
- █ MALL
- █ EASEMENT
- █ VILLAGE GREEN BY LANDCOM
- █ COMMERCIAL / RETAIL BY LANDCOM
- █ RESIDENTIAL BY LANDCOM
- TB TROLLEY BAY
- ← VEHICLE ENTRY/EXIT
- MAIN ENTRY
- ACOUSTIC WALL

- GENERAL NOTES**
- PUMP ROOM & TANK REQUIREMENTS AND LOCATIONS TO BE CONFIRMED
 - MSB, COMMS ROOM SIZE AND LOCATION TO BE CONFIRMED
 - ROAD, LEVELS AND KERB DESIGN TO CIVIL ENGINEER'S DETAILS
 - LANDSCAPE DESIGN TO LANDSCAPE ARCHITECTS DETAILS

D.A. ISSUE
WOOLWORTHS LIMITED

Project Address:
WOOLWORTHS RETAIL DEVELOPMENT
Richardson Rd, Spring Farm

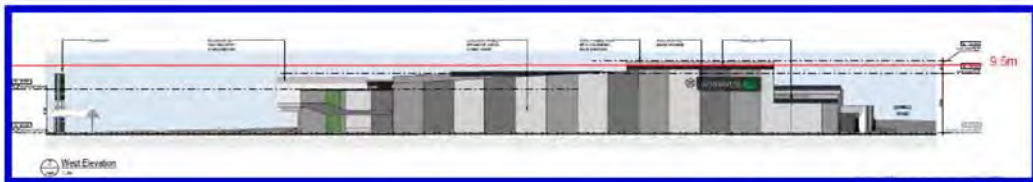
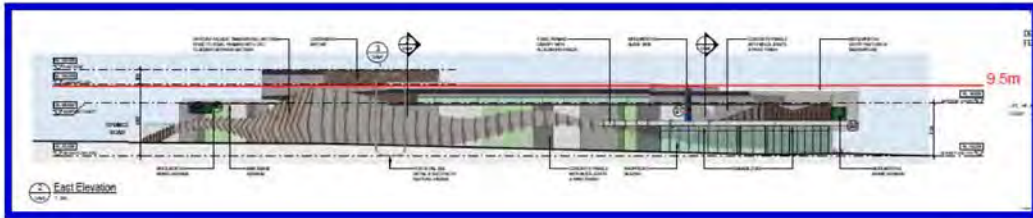
SITE PLAN

2012-089 DA01 E
As Issued

PERD
STREET
HELVOLVINE
VIC 3004 AU







ORD04

Attachment 2



ORDINARY COUNCIL

ORD05**SUBJECT: CAMDEN COMPANION ANIMALS ADVISORY COMMITTEE -
NOMINATED REPRESENTATIVES AND TERMS OF REFERENCE****FROM:** Director, Development & Health**TRIM #:** 13/53717

PURPOSE OF REPORT

The purpose of this report is for Council to consider and endorse the membership and adopt the draft Terms of Reference (ToR) of the Camden Companion Animals Advisory Committee (CCAAC).

BACKGROUND

On 11 December 2012, Council considered a report to endorse the creation of a CCAAC within the Camden LGA. It was also recommended that two Councillors be nominated to that committee. **A copy of the Council report dated 11 December 2012 is provided with the Business Paper Supporting Documents.**

At that meeting it was resolved that Councillors Dewbery and Symkowiak be nominated to be represented on the CCAAC once it was established.

The aim of the CCAAC is to provide a consultative forum on Council's strategic direction and advise on the development and implementation of companion animal services, facilities and programs that may impact on the member organisations and the community.

To assist with the establishment of the committee, a Terms of Reference was prepared. The ToR is currently in draft format and it is considered appropriate that it be adopted by Council. **The ToR is provided as Attachment 1 to this report.**

As outlined in the ToR, the CCAAC will comprise of the following membership:

Council Representatives (Voting)

- Two (2) Councillors appointed by Council

Community Representatives (Voting)

- Five (5) animal professionals (which may include, but not limited to a veterinarian, animal behaviourist, member of the NSW Animal Welfare League/RSPCA) or the like;
- Two (2) Camden Council residents.

Attendee (Non voting)

- Camden Council Environment & Health Manager
- One (1) Council Ranger
- One (1) other Camden Council staff member

Attendee staff will provide guidance and support and respond to any enquiries from members of the CCAAC and as such do not have any voting rights within the Committee.

On 23 July 2013, advertisements were placed in the local paper inviting nominations from prospective community representatives. Council received an expression of interest from 7 local residents and 7 animal professionals.

Given the number of nominations received from the community representatives (local residents), an informal interview selection process was created where all 7 applicants were offered the opportunity to attend Council and discuss their expression of interest with the Manager of Environment and Health and the Team Leader of Ranger Services.

MAIN REPORT

Community Representatives (Voting)

Council received a response from 4 out of the 7 local residents who attended Council for an informal discussion on the 15 October 2013.

A copy of the list of applicants is provided with the Business Paper Supporting Documents.

All applicants were enthusiastic about participating on the committee and all had the welfare of companion animals within the community as the main reason they want to participate on the CCAAC.

The two local residents considered most suited to the position of a community representative are:

1. Megan Wirth of Harrington Park
2. Murray Hamer of Grasmere

In so far as the animal professionals, Council received 7 nominations with 5 being from local veterinary clinics, 1 from a veterinary student and 1 from an animal professional who resides outside of the Camden LGA.

Each veterinary clinic representative can bring knowledge and expertise from within their field. It is recommended that the 5 local veterinary clinics accepted to sit on the CCAAC.

Below is a list of the 5 animal professionals:

1. Dr Steven Ferguson – Macarthur Veterinary Group
2. Dr Michael Wallace – Caring Vets Narellan
3. Dr Andrew O’Shea – Camden Valley Animal Hospital
4. Dr Edward Humpries – Rossmore Veterinary Hospital
5. Colleen Richard – Sydney University Veterinary Hospital

It is anticipated that each community representative would remain in the CCAAC for the 2 year period as stated in the ToR. It needs to be foreseen that members may not be able to maintain their membership on the CCAAC for the 2 year term and for this a procedure has been specified within the ToR of how a new member will be elected.

If a new member is required to be elected the process will be undertaken by the Environment and Health Manager in accordance with the ToR and a report will be submitted to Council for the endorsement of the new member.

This process could include reviewing previous expression of interest applications, calling for new expression of interests or if the vacancy occurs within 8 months from the end of the term, not fill the vacancy.

Terms of Reference

The ToR describe the purpose and structure of the committee where all members have agreed to work together to accomplish a shared goal, being the welfare of Companion Animals. The ToR gives a clear definition of the scope of what the committee is to achieve. The objectives of the CCAAC are outlined in the TOR.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

Membership of the Committee for those appointed is a voluntary nature and there is no payment of expenses in relation to attending activities or meetings.

CONCLUSION

It is evident from the number of expression of interests received from prospective community representatives, that companion animals and their welfare is regarded as an important issue within the community.

The ToR will play an integral part of the CCAAC as it will formulate the way that the committee is directed in achieving its objectives.

RECOMMENDED

That Council:

- i. reaffirm Councillors Dewbery and Symkowiak as representatives on the Camden Companion Animals Advisory Committee;**
- ii. endorse the Terms of Reference for the Camden Companion Animals Advisory Committee;**
- iii. appoint local residents Megan Wirth and Murray Hamer as community representatives for a 2 year period only on the Camden Companion Animals Advisory Committee;**
- iv. appoint the following Animal Professionals as community representatives for a 2 year period only on the Camden Companion Animals Advisory Committee:**
 - 1. Dr Steven Ferguson – Macarthur Veterinary Group**
 - 2. Dr Michael Wallace – Caring Vets Narellan**
 - 3. Dr Andrew O’Shea – Camden Valley Animal Hospital**
 - 4. Dr Edward Humphries – Rossmore Veterinary Hospital**
 - 5. Colleen Richard – Sydney Uni Vet Hospital; and**
- v. write to all applicants thanking them for their interest in the CCAAC.**

ATTACHMENTS

1. CAAC Draft Terms of Reference
2. Council Report 11 December 2012 - *Supporting Document*
3. List of Applicants for CCAAC - *Supporting Document*



**COMPANION ANIMALS ADVISORY COMMITTEE
TERMS OF REFERENCE**

COMPANION ANIMALS ADVISORY COMMITTEE 1

TERMS OF REFERENCE 1

Camden Companion Animal Advisory Committee (CCAAC): 3

Terms of Reference 3

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Camden Companion Animal Advisory Committee (CCAAC):

Terms of Reference

1.0 Purpose

The Camden Companion Animal Advisory Committee is established to provide a consultative forum on Council's strategic direction and advise on development and implementation of Companion Animal services, facilities and programs that may impact on the member organisations and the community.

2.0 Objectives

The objectives of the CCAAC include:

1. to act as an advisory body to Council and in making recommendations to the Council;
2. to assist with the development of strategic policies, programs, services and plans for companion animals;
3. to provide strategic input and advice in relation to Council's Companion Animal events and educational programs to help raise awareness about companion animals and the *Companion Animals Act 1998* eg. Paws in the Park; and
4. to assist Council with the delivery of effective and responsible care and management of companion animals within the local government area.

In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*.

The CCAAC shall not operate in a regulatory, operational or authoritative capacity and the Committee is excluded from a regulatory role and cannot have involvement with any of the functions under the *Companion Animals Act* or any other Act that Council enforces.

3.0 Committee Meetings

Subject to these Terms of Reference, the Committee may regulate its own meeting procedure provided that any such regulations shall only be made at a duly convened meeting of the Committee.

- The Committee shall meet at least once each quarter or more frequently as considered necessary by the Chairperson or the majority Committee members.

- Special meetings may be called by the Chairperson if urgent matters are required to be considered by the Committee.
- Notice of the time, place and agenda of all regular and special meetings shall be forwarded to each member of the Committee, not less than seven (7) days prior to the meeting.
- Members of the CCAAC are required to advise Council if they are unable to attend any Committee meeting by contacting the Committee secretary prior to the meeting.
- Minutes of all meetings shall be made accessible to the public (except where the *Local Government Act 1993* considers that such information be considered in closed council); and
 - a proper record of all minutes of the Committee's meeting shall be kept electronically and forwarded to Council with other records as requested;
 - a record of attendees shall be noted in the minutes of each meeting; and
 - be adopted by Council
- The meetings are not open to the public but persons may be invited to attend the meetings at the request of the Chairperson on behalf of the Committee to provide advice and assistance where necessary. The visitors have no voting rights and may be requested to leave the meeting at any time by the Chairperson;
- At all meetings of the Committee each voting member present (including the Chairperson) shall have one vote. In the event of a tied vote, the Chairperson shall have a casting vote and that vote will generally be used to keep the status quo of any decision placed before the Committee.

4.0 Venue

Meeting will be held at the Camden Council Chambers or other suitable venues on a needs basis.

5.0 Membership and Voting

The CCAAC will consist of:

Council Representatives (Voting)

- Two (2) Councillors appointed by the Council;

Community Representatives (Voting)

- Five (5) local animal professionals (which may include, but not limited to a veterinarian, animal behaviourist, member of the NSW Animal Welfare League/RSPCA) or the like;
- Two (2) Camden Council residents.

To fill the community representative positions, written nominations will be invited by advertisement in the local paper. The initial assessments of nominations from Community Representatives shall be undertaken by the Manager, Environment & Health together with any other assistance required prior to the appointment of community and/or professional persons.

A report will be prepared to Council with a recommendation of suitable nominees which will then be endorsed by Council.

Attendee (non voting)

- Camden Council Environment & Health Manager
- One (1) Council Ranger
- One (1) other Camden Council staff member

Attendee staff shall attend CCAAC meetings to provide guidance and support and to respond to enquiries. Attendee staffs have no voting rights.

6.0 Membership Criteria

Membership of the Committee for those appointed is a voluntary nature and there is no payment of expenses in relation to attending activities or meetings of the Committee.

7.0 Vacation of member

A committee member's position may become vacant:

1. Upon the death of the member;
2. If the member resigns membership by notice in writing to the Committee/Council;
3. If the member is absent for more than three consecutive meetings without the leave of the Chairperson;
4. If the member miscues information or breaches confidentiality;
5. Membership of the CCAAC can be withdrawn by resolution of Council only. Majority vote to be called by the Chairperson and any recommendations for removal to be presented to Council.
6. Council (attendee staff) can only be removed by the General Manager

8.0 Appointment of new Member

If a vacancy occurs within the 2 year term caused by the resignation/dismissal or death of a Member, the position may be filled by undertaking the following process:

- i. When a vacancy occurs, the Chairperson will report this matter to the CCAAC at the next meeting where it will be recorded appropriately in the minutes.
- ii. The Development and Health Division will provide a report to the next available Council meeting regarding the proposed replacement that will give consideration to the following options:
 - a. If the Member was nominated as a community representative, the Manager of Environment and Health Division will review the original expressions of interest received and will confirm if any of those persons are suitable and available to be considered as a member of the respective CCAAC;
 - b. Where, due to either no other previous nominations, or those nominations are not suitable, an expression of interest will be called for in replacing member/s appointed by Council;
 - c. Where a vacancy occurs within 8 months of the end of term of the CCAAC members, the vacancy will not be filled; or
 - d. The Development and Environment Division will provide a report to Council with the details of the new member to be endorsed by Council.
- iii. Once endorsed by Council, the new member will be a member of the CCAAC for the remainder of the term.
- iv. If the Council do not endorse the recommendation, an expression of interest will be called upon to obtain further nominations.

Appointments to the Committee will remain current for two years from the date of the appointment. At the conclusion of each term, Council will place an advertisement in a local newspaper inviting nominations from the respective community representative categories for membership to the Committee for the next term.

All current community representative Members of the CCAAC will have to reapply if they wish to be considered as a member after their 2 year term. Current community representatives of CCAAC will not be automatically elected for a further 2 years.

Should any member not be acting in the best interests of the CCAAC and the broader community of Camden Local Government Area or in a manner that is purposely disruptive, confrontational, and vexatious or contrary to the objectives of this Committee then the Chairperson may call for a vote. If the majority is for the member to cease being apart of the CCAAC then a recommendation must be put forward to Council for the membership of the Committee member to be withdrawn by resolution of the Council.

9.0 Dissolution of the Committee

- a. The CCAAC may only be dissolved by Council;
- b. The CCAAC may be dissolved by the Council at any time;
- c. The CCAAC may recommend to Council that the Committee be dissolved upon the majority vote of the elected members present at a meeting.

10.0 Quorum

A majority of the current voting members of the Committee shall constitute a quorum for the meeting.

A meeting of the Committee must be adjourned if a quorum is not present within 15 minutes after the time designated for the holding of the meeting or at any time during the meeting. In either case, the meeting must be adjourned to a time, date and place fixed by the Chairperson, or in their absence, by the majority of members present.

11.0 Meeting attendance

A community representative ceases to be a member of the Committee if the member has been absent from three (3) consecutive meetings of the Committee without giving a reason acceptable to the Committee for the member's absence.

12.0 Membership Obligations

As a member of the Committee members agree to:

- Attend meetings and participate in discussions;
- Participate in a constructive, respectful and courteous manner to aspire to achieving the Objectives of the CCAAC;
- In accordance with Council's code of conduct;
- Give feedback from meetings to the wider community where possible;
- Allow all Committee members to present their views and opinions;
- Suggest agenda items;
- Work within the framework of the Committee Charter and structure;
- Clearly declare any conflict of interest regarding any issue under discussion;
- Maintain privacy and confidentiality in regards to information disclosed within the meetings;
- Only access Council information needed for committee purposes;
- Not use Council information for private purposes;
- Not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue obtained by being a member of the CCAAC; and
- Not to use information with the intention to cause harm or detriment to Council or any other person or body

13.0 Committee Structure/Responsibilities

1. The Chairperson of the Committee will:
 - be a Councillor on the Committee;
 - preside at all meetings of the Committee;
 - when the Chairperson is unavailable the Vice-Chairperson will assume the role of Chairperson and will be responsible for chairing the meeting.
2. Vice Chairperson will:
 - be a Councillor on the Committee;
 - In the absence of the Chairperson, the Vice-Chairperson shall preside at meeting of the Committee.
3. Secretary/minute taker as appointed by Council will:
 - be an attendee and shall not be a member of the CCAAC;
 - the Secretary shall be responsible for maintaining the Committee minutes, attendance records, correspondence and other records of the Committee;
 - distribute agendas and minutes for all members; and
 - ensure that meeting notices, agendas and other information are forwarded to all Committee members at the appropriate time.
4. Councillors and Community Representatives will:
 - assist in the preparation of the Companion Animals Management Plan, if the Committee deems that relevant and pertinent;
 - assist in the development and implementation of strategies to increase community awareness of issues relating to Companion Animals Management;
 - provide an important link to the community in promoting and delivering companion animals education and other relevant programs, and identifying areas for action; and
 - assist in the reviewing of programs and strategies contained in the Companion Animals Management Plan.
5. Attendees will:
 - be the contact person/s for companion animals;
 - report back to the Director of Development and Health Division regarding the progress and outcomes after each Committee meeting; and
 - prepare and submit reports to the full meeting of Council as the need arises.

14.0 Council/Committees Relationship

The Camden Companion Animal Advisory Committee is constituted under the provisions of the ***** The Camden Companion Animal Advisory Committee does not have any delegated authority under section 377 of the *Local Government Act 1993*.

The Manager of the Environment and Health Division is responsible for all Companion Animal matters to the Director of Development and Health and the General Manager. The General Manager is responsible to the Mayor for the day to day operations and management of Council.

There is no delegated authority to Committee members to make decisions or undertake any Companion Animals activities or to commit Council to any financial or operational obligations.

The final decision on the recommendations rest with Council and voting does not necessarily mean that the recommendation will be implemented and endorsed by Council.

In constituting the Committee Council agrees to:

- give due and proper consideration to all recommendations and suggestions put forward,
- give members feedback on how their recommendations have been used,
- encourage member participation and meeting attendance,
- respond within a reasonable timeframe to requests for relevant information,
- provide administrative resources to assist in the smooth operation of the Committee, and
- accurately record and represent the views of the Committee.

15.0 Conflict of Interests

The Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from the Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the chairperson of the Committee.

16.0 Code of Conduct and other Council Policies

Each CCAAC Member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee Member is expected to be consistent with the principles outlines in these Council publications.

17.0 Amendments

The Terms of Reference may be altered at ay time to meet the current needs of the CCAAC by Council.

END

ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 19) - RECLASSIFICATION OF LANDS

FROM: Acting Director Governance

TRIM #: 13/2524

PREVIOUS ITEMS: ORD09 - Camden Local Environmental Plan 2010 (Amendment No. 19) - Reclassification of Lands - Ordinary Council - 14 August 2012

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcomes of the public exhibition of the Planning Proposal for the reclassification of various lands in the Camden Local Government Area. This report also recommends that Council endorse the amended Planning Proposal and forward it to the Department of Planning and Infrastructure (DPI) for the making of the plan.

In addition this report recommends that Council provide the community with an assurance that it will never sell the land comprising the Camden Town Farm.

BACKGROUND

Council, at its meeting on 14 August 2012, resolved to support a Planning Proposal to proceed to amend the description of the Camden Town Farm heritage item to correctly identify the subject lots and reclassify of the following 'Community' land to an 'Operational' land classification:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

In April 2000 Council resolved to accept the land bequeathed by Miss Davies, which is now known as the Camden Town Farm. On 13 June 2000 Council resolved that upon acquisition of the land that it be classified 'operational'. On 16 December 2002 Council endorsed a development program, for the farm, and resolved to classify the land as 'operational'. Unfortunately the requirement to formally notify the public of its operational status was overlooked. This Planning Proposal will allow the existing and intended use of the land, as outlined in the Camden Town Farm Masterplan.

- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

The reclassification to operational land enables Council to undertake a consolidation of the subject and adjoining lands. The consolidation of these lots would allow Council to proceed with the sale to the Baptist Church.

- Mount Annan Leisure Centre

- Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
- Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

The reclassification to Operational land enables Council to consolidate the site currently occupied by the Mount Annan Leisure Centre. The consolidation of land will allow Council to undertake planned development and expansion of the site to meet the demands of the Community.

- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Council initially resolved to classify the above land as 'Operational' at the time that it was acquired. The requirement to formally notify the public of its operational status was overlooked. This planning proposal will allow the existing and intended use of the land to be carried out on the site with the correct classification.

MAIN REPORT

Following the meeting of 14 August 2012, the Planning Proposal was forwarded to the DPI for a Gateway Determination. A Gateway Determination was made on 15 October 2012, which required Council to make minor amendments prior to the exhibition of the Planning Proposal. A copy of the Gateway Determination is provided as **Attachment 1 to this report**.

Pursuant to the requirements of the Gateway Determination, the Planning Proposal was amended and publically exhibited for a total of 28 days from 7 November 2012 to 5 December 2012 (inclusive). A notification was placed in the local newspaper during this period, detailing that the public exhibition material was available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

The Planning Proposal was also forwarded to the following public agencies for comment:

- Federal Government - Department of Infrastructure and Transport;
- Mine Subsidence Board; and
- NSW Rural Fire Service.

Council also issued notification letters to adjoining/adjacent land owners and interested parties of each particular site. The notification letter and list of recipients are provided as **Attachment 2 and Supporting Documents to this report** respectfully.

Submissions Received

During the public exhibition period all of the submissions received related to the reclassification of the Camden Town Farm., Council received a total of nine



submissions in relation to the reclassification of the Camden Town Farm from community to operational land. Eight submissions opposed the reclassification and one was in support. In addition to the above submissions, correspondence was received from five public agencies. Copies of all the submissions, including those from public agencies, are provided as a **Supporting Document to this report**. It should be noted that there were no significant issues raised by the public agencies.

A table listing matters raised in the submissions and officer's response is provided as **Attachment 3 to this report**.

The main issues raised in the submissions generally relate to:

- The reclassification of the land to operational is against the terms of Miss Davies' Will,
- the reclassification will enable Council to sell the land,
- the uses are still able to operate while the land is reclassified to community, and
- there is insufficient justification in the Planning Proposal for the reclassification to operational.

These will be dealt with in more detail below.

The reclassification of the land to operational is against the terms of Miss Davies' Will

From the initial receipt of the land in 2000, Council has complied with the wishes of Miss Davies' bequeath to the Camden community. The Town Farm is managed by a Sec. 355 committee and is assisted by the Town Farm Masterplan. At no time has there ever been any divergence from any aspect of Miss Davies' wishes.

The reclassification will enable Council to sell the land

There has never been any intention by Council to sell the land nor is there any future intention. The Camden Town Farm is regarded as a "community asset" and is integral to the Camden township.

The uses are still able to operate while the land is reclassified to community

Should Council decide to reclassify the land to community then a number of activities, including the Town Farm Markets, would need to cease trading until such time as new management protocols were put in place together with a Plan of Management (PoM). This would take a minimum of 9 months.

There is insufficient justification in the Planning Proposal for the reclassification to operational.

The Planning Proposal has been prepared using LEP Practice Note PN 09-003, which was included in the exhibition material. The merits and reasons for the reclassification were outlined in the Background Section. There was no indication of any financial gain or loss as the reclassification was undertaken to maintain the status quo. The assessment management objectives are extensively outlined in the Town Farm Masterplan which forms part of the Planning Proposal.

Public Hearing

The reclassification of land requires a public hearing to take place and be conducted by an independent person in accordance with Section 32 of the *Local Government Act 1993*. Council appointed Mr Graham Pascoe of Pascoe Planning Solutions, who conducted the Public Hearing on 10 December 2012.

The public hearing was attended by a total of ten representatives on behalf of the Camden Town Farm Committee, Camden Historical Society, and the community. A total of six representatives spoke specifically in relation to the proposed reclassification of the Camden Town Farm. There were no speakers in relation to the proposed reclassification of the remaining three sites.

Following the public hearing, a report was prepared by Mr Pascoe, which details the issues raised by interested parties who attended the public hearing. The Public Hearing Report is provided as **Attachment 4 to this report**.

The Report recommends no objection to the reclassification of Elizabeth Park, Mount Annan Leisure Centre and Topham Road Smeaton Grange to operational.

The Report does not support the reclassification of the Camden Town Farm to operational. In the Report's concluding remarks it is stated that,

"The Camden Town Farm has sparked an impassioned outpouring of concern at the prospect that the reclassification more readily facilitates, at the extreme, disposal or alienation of a highly prized community asset or part thereof and/or other undesirable landuse prospects.

The prospects of sale are immediately vetoed by a "Community" land classification; whilst the inherent obligation for a Plan of Management to accompany any community land minimises the potential of adverse landuse impacts."

The Report further states that.

"It is, however noted that there are some current uses which may require licences or the like that previously weren't issued and necessitate cessation until a Plan of Management and relevant licences or similar are in place."

Response to Public Hearing Report

There are two aspects that need to be addressed. The first being the prospect of Council selling the Town Farm and the second being the effect on the operation of the Town Farm should the land be reclassified to community.

The major issue emanating from the proposed reclassification of the Town Farm is the suggestion that the land can be sold by Council if it is operational. The very thought of selling the land which Miss Davies so graciously gifted to the community has certainly concerned a number of prominent community members.

It is important to note that a community classification is no guarantee that land cannot be sold in the future. It is possible that a future Council could undertake to reclassify the land to operational and then sell it. To date Council has not made a formal response to this question based on the premise that selling the land has ever been contemplated. It may now be opportune for Council to give the community an absolute

assurance that the land will never be sold by making a formal resolution to this effect. In addition, as a further safeguard, Council could also require that any leases and/or licences entered into for a term of over three years be subject to public notification and hearing requirements pursuant to Section 47A of the *Local Government Act 1993*.

The second aspect of the Report looks at the effect of the operation of the Town Farm, should the land be reclassified to community. A PoM would be required. While a PoM could be prepared relatively quickly it would need to be reported to Council, publicly exhibited and a public hearing held then reported back to Council for adoption. In addition a number of the current operations undertaken on the Town Farm are commercial in nature.

Accordingly some activities, such as the monthly produce markets, would need to cease trading until a PoM is adopted and tenders would also need to be called. It is estimated that this entire process would take at least 9 months. In addition there would need to be significant resources from Council to facilitate this process. The only activities that could remain during this period would be grazing stock and growing crops as long as it is operated by Council.

Advantages and Disadvantages of operational and community classification in relation to the Camden Town Farm

The following tables set out the advantages and disadvantages of both operational and community classifications in relation to the Camden Town Farm.

Disadvantages

Operational	Community
<ul style="list-style-type: none"> • Community concerns and fear about future of much loved asset and that a future Council may sell. 	<ul style="list-style-type: none"> • Processes required difficult for volunteer committee to manage. • Potential need to cease some activities for lengthy period while required process is followed. • Limits future opportunities for some commercial activities.

Advantages

Operational	Community
<ul style="list-style-type: none"> • Flexibility for activities • Current activities can continue uninterrupted. • Original Council resolutions supported. 	<ul style="list-style-type: none"> • Community is reassured that Council has no intention to dispose of asset.

Given the unique nature of the Camden Town Farm and that it is managed by a Sec. 355 committee of Council it is considered that the most appropriate classification under which in can be effectively managed is operational.

Where to from here

Accordingly it is recommended that Council proceed with the Planning Proposal, as exhibited, which includes:

1. The correction of the property description of the Camden Town Farm for the Heritage Item Register (from Lot A, DP 532049 to Lot A, DP 337924). It is noted that these properties refer to the same portion of Camden Town Farm lands.
2. The reclassification of the following sites from Community to Operational lands:
 - Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
 - Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
 - Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
 - Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Should Council adopt the recommendations of this report, the Planning Proposal will be forwarded to the DPI requesting that the Plan be made. The Planning Proposal is provided as **Attachment 5 to this report**.

In addition it is recommended that Council give the community an absolute assurance that the land will never be sold by making a formal resolution to this effect.

FINANCIAL IMPLICATIONS

The Planning Proposal presents no direct financial impact on Council's budget.

CONCLUSION

The Planning Proposal for the reclassification of various lands throughout the LGA was placed on public exhibition. The Planning Proposal attracted a total of nine submissions with eight objecting to the proposed reclassification of the Camden Town Farm from community to operational land. A public hearing also took place for the proposed reclassification of the various lands, which produced a Public Hearing Report recommending that the Camden Town Farm not be reclassified to operational.

It appears that the main issue affecting the community is the concern that the reclassification of the Camden Town Farm to operational will open the possibility of Council selling the land. To alleviate community concerns it is recommended that Council give the community an absolute assurance that the land will never be sold by making a formal resolution to this effect. In addition it is also recommended that any leases and/or licences entered into for a term exceeding 3 years require public notification and public hearing. Accordingly it is proposed to proceed with the Planning Proposal as exhibited

RECOMMENDED

That Council:

- i. adopt the Planning Proposal as exhibited;**
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure and request that they make the plan;**
- iii. alleviate community concerns by agreeing that the land comprising the Camden Town Farm never be sold and that any lease and/or licence entered into for a term exceeding three (3) years be subject to the public notification and hearing requirements pursuant to Section 47A of the *Local Government Act 1993*; and**
- iv. notify those who made submissions to the exhibition and attended the public hearing of Council's decision.**

ATTACHMENTS

1. Gateway Determination Amendment 19
2. Neighbour Notification Letter Amendment 19
3. Table of matters raised in submissions
4. Public Hearing Report Amendment 19
5. Version 4 Planning Proposal with Attachments Amendment 19(2)
6. Submissions - *Supporting Document*
7. Database Neighbour Notification - *Supporting Document*



Office of the Director General

Mr Greg Wright
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570



Contact: Mato Prskalo
Phone: (02) 9860 1560
Email: Mato.Prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_CAMDE_010_00 (12/1426B)
Your ref:

Dear Mr Wright,

Planning proposal to amend Camden Local Environmental Plan 2010

I am writing in response to Council's letter of 20 August 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan (LEP) 2010 to reclassify various council owned sites from 'community' land to 'operational' land, introduce a local provision and amend reference to a local heritage item.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted Council proposes to include an additional local provision to ensure land uses can be carried out at Camden's Town Farm in accordance with the adopted Master Plan. The department supports Council's intended outcome, however the department does not generally support the use of local clauses and provisions should an alternative means of achieving the outcome be available. Therefore, Council is to utilise the heritage incentives available under Clause 5.10(10) of Camden LEP 2010, to achieve the objectives of the Camden Town Master Plan. In doing so, Council is to remove reference in the planning proposal to the additional local provision and provide a copy to the department's regional office prior to the commencement of public exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

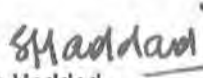
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54 (2) (d) of the EP&A Act if the time frames outlined in this determination are not met.

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Should you have any queries in regard to this matter, please contact Mato Prskalo of the Sydney West Regional office of the department on 02 9680 1560.

Yours sincerely,


Sam Haddad
Director-General
15/10/2012

Attachment 1



Gateway Determination

Planning proposal (Department Ref: PP_2012_CAMDE_010_00): to amend Camden Local Environmental Plan 2010 to reclassify certain Council land from 'Community' to 'Operational' and make other minor amendments

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan (LEP) 2010 reclassify various council owned sites from 'community' to 'operational', introduce a local provision and amend reference to a local heritage item should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to make the following amendments to the planning proposal:
 - (a) Amend Part 1 to clearly indicate the proposed changes to the 'Camden Town Park' heritage item;
 - (b) Amend Part 2 to indicate the correct property description for the Elizabeth Park site, being DP 1138792, Waterworth Drive;
 - (c) Amend Part 3 to exclude consideration of SEPP (Rural Lands) 2008 as the SEPP does not apply to the Wollondilly LGA;
 - (d) Amend attachment D to exclude consideration of S117 Direction 1.5 Rural Lands, as the direction does not apply to the Camden LGA and
 - (e) Remove reference to the additional local provision clause, as this matter can be dealt with under the heritage incentives provided for by Clause 5.10(10) of Camden LEP 2010.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Australian Government Department of Infrastructure and Transport

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

CAMDEN PP_2012_CAMDE_010_00 (12/14268)



Planning & Infrastructure

5. Further to Condition 3 above, Council is to consult with the Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
6. Further to Condition 3 above, Council is to consult the Department of Infrastructure and Transport in relation to S117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 15th day of October 2012.

A handwritten signature in black ink that reads "S Haddad".

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure

Binder: Amendment No. 19 – Reclassification of Lands

«OWNER_LINE_1»
«OWNER_LINE_2»
«ADDRESS_LINE_1»
«ADDRESS_LINE_2»
«ADDRESS_LINE_3»

7 November 2012

Dear Sir/Madam,

RE: CAMDEN LEP 2010 (AMENDMENT No. 19) – RECLASSIFICATION OF LANDS

I refer to the abovementioned Planning Proposal currently on public exhibition.

The planning proposal seeks amend a heritage item lot description for the Camden Town Farm Heritage Item and to reclassify various lands within the Camden Local Government Area from 'Community' land to 'Operational' land.

Please note in the vicinity of your property, the «Area» lands are proposed to be reclassified to 'Operational' lands. In particular, the following land is proposed to be reclassified:

- «Subject_Site_Address_1»
- «Subject_Site_Address_2»
- «Subject_Site_Address_3»

For more information on the Planning Proposal, please refer to the exhibition materials, which are available at the following locations from 7 November 2012 to 5 December 2012:

- Camden Office Customer Service Centre - 37 John Street, Camden
- Narellan Office Customer Service Centre - 19 Queen Street, Narellan
- Camden Library - 40 John Street, Camden
- Narellan Library - Cnr Queen and Elyard Street, Narellan
- Camden Council Website – www.camden.nsw.gov.au

If you wish to make a submission to the Planning Proposal, it is requested that all comments are received in writing no later than close of business **5 December 2012**. All submissions should be marked attention to Council's Senior Project Officer, Matt Loader and addressed to:

The General Manager
Camden Council
PO Box 183
Camden NSW 2570

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Attachment 2

In accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979, a Public Hearing has been organised where the community can put forward any issues, comments or concerns. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration. Council invites you to attend and the following are the details for the Public Hearing:

Where: Camden Civic Centre – Undercroft
Oxley Street
Camden NSW 2570

When: 10 December 2012
6:00pm to 8:00pm

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 requires any person making a submission to this Planning Proposal to disclose any reportable political donation or gift as defined in Part 6 of the Election Funding and Disclosures Act 1981. A copy of the Disclosure Statement is available for download from Council's website or available at any of Council's Customer Service Counters. If you have made a reportable political donation or gift to any Camden Council Councillor or employee within the past 2 years, you must disclose this in accordance with the Act.

Should you require any further information in regards to the Planning Proposal, please do not hesitate to contact me on 4654 7798.

Yours sincerely,

Matt Loader
Senior Project Officer

Planning Proposal Amendment No. 19 Reclassification of Lands – Assessment of Submissions

Submission No	Issues raised	Officer Assessment	Recommended Action
1	<p>Council needs to take a strategic approach to bushfire protection and note the recent amendments to Australian Standard AS 3959-2009</p> <p>Consideration needs to be given to ensuring that appropriate access and water supply is available to the lots.</p>	Noted	Nil
2	<p>Advising of the need to adhere to the requirements of the Commonwealth Airports (Protection of Airspace) Regulation 1996. In particular the planning of any high rise building around airports.</p>	Noted	Nil
3	<p>In capacity as co-executor of the will of Miss Llewella Davies.</p> <p>Miss Davies' intention was that the land be used as a working model farm to enable the community to see such operation at close hand. If this was no longer possible then it could be used for grazing of livestock or if that is not possible as a passive recreation area.</p> <p>Bowring Macaulay & Barrett Solicitors wrote to Council on 22 March 2000 advising of 'gift' and conditions pertaining to the will.</p> <p>Council accepted the terms and conditions outlined in the above-mentioned letter which it acknowledged at a Council meeting held on 26 April 2000.</p>	Noted	Nil

Page 1 of 10

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>Concerned that the 'gift' of the land fits more closely with community land rather than operational.</p> <p>Suggests that as the land was a gift Council was obliged to classify the land community pursuant to Section 31(3)(b) of the LGA.</p> <p>Section 36 of the LGA requires Council to prepare a draft plan of management. If the appropriate plan of management is prepared then Council could address the management of the farm in line with Miss Davies' wishes.</p> <p>The Town Farm was gifted to Council for the community. Has serious concerns with regard to the operational classification as it puts the 'gift' in jeopardy.</p>	<p>Miss Lewella's wish was for the dairy operations to remain as a working farm under the current lease. This could not have been possible if the land had been classified 'community'.</p> <p>Council was under no obligation to classify the land as community. Council undertook, in conjunction with the community, the preparation of a Town Farm Masterplan which provides clear objectives for the operation of the land to ensure that Miss Davies' wishes were able to be followed.</p> <p>The preparation of a plan of management is only required if the land is classified as community. Should Council determine that the land be reclassified as community then a plan of management will be required.</p> <p>From the initial receipt of the land in 2000 Council has complied with the wishes of Miss Davies' bequeath to the Camden community. The Town Farm is managed by a Sec. 355 committee and is assisted by the Town Farm Masterplan. At no time has there ever been any divergence from any aspect of her wishes.</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p> <p>Nil</p>
4	<p>Object to the reclassification as the land was given to Council as a gift and should not be changed to operational.</p>	<p>The land was always intended to be classified as operational to ensure that Miss Davies' wishes were able to be carried out.</p>	<p>Nil</p>
5	<p>Object to the reclassification if it means the land can be sold. This is not what Miss Davies intended as she left the farm to the community.</p>	<p>There has never been any intention to sell the land. The operational classification was applied to ensure that Miss Davies' wishes were able to be followed.</p>	<p>Nil</p>
6	<p>Notes that under the LGA community classification provides the community with opportunities to comment on Council's proposals to develop or lease the land and it</p>	<p>Council has always involved the community with the operation of the Town Farm through the preparation of the Town Fare Masterplan and the establishment of a Sec. 355 committee.</p>	<p>Nil</p>

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>cannot be sold. Operational classification can be sold without the public's involvement or knowledge.</p> <p>The proposed reclassification is against Miss Davies' wishes as she intended the land for the community. She also did not want it used for any purpose that was not consistent with her wishes.</p> <p>Council's Section 355 Town Farm Community Management Committee on 21 November 2012 resolved to recommend to Council that the reclassification not be approved.</p> <p>Previous Council reports have not provided sufficient justification for the reclassification. There should be discussion as to available options and a list of points for and against so that one can determine if the proposal is warranted or not.</p>	<p>The Town Farm Masterplan clearly provides objectives and guidelines for the current and future operations at the Town Farm which are consistent with her wishes.</p> <p>Noted.</p> <p>Council, when it first took ownership of the land in 2003, had determined that the most appropriate classification, to ensure that Miss Davies' wishes were able to be enacted, was operational. This was especially critical as there was an existing lease agreement in place for the operation of the dairy.</p> <p>A plan of management is not required if the land remains as operational.</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p>
7	<p>The existing zoning and master plan provide adequate guidance for the committee and Council. A Plan of Management should be prepared to accommodate the master plan which currently exists for the adjoining Bicentennial Equestrian Park.</p> <p>Society has difficulty in understanding why the need for reclassification to achieve Miss Davies' wishes and that a future unsympathetic Council could sell the land.</p> <p>The Society has not been given a convincing explanation of why the present and proposed activities being undertaken on the land may not be legal without the</p>	<p>As outlined above Council has determined that an operational classification is the most appropriate classification to ensure that Miss Davies' wishes are undertaken.</p> <p>Some of the requirements outlined in Miss Davies' Will could not be undertaken with the land classified as community. For example the dairy farm operation and cropping by external</p>	<p>Nil</p> <p>Nil</p>

Submission No	Issues raised	Officer Assessment	Recommended Action
	reclassification to operation land.	parties. In addition the operation of the Camden Fresh Produce Market would need to cease until a number of aspects relating the licence arrangements are addressed. This would take a significant amount of time to complete and during this time the markets would not be permitted to operate.	
	The Society believes that Council should consult with the executors of the Will as a matter of courtesy.	In all it dealings with the Town Farm Council has ensured that Miss Davies' wishes have been followed. The classification of the land to operational is to ensure that her wishes are carried out. The purpose of this exercise is to ensure that all statutory requirements are addressed. When Council resolved, on 13 June 2000, to classify the land as operational there is no evidence of a public notice appearing in a newspaper. Accordingly Council is now undertaking this process to ensure the land is classified operational as originally intended.	Nil
8	Should the Council proceed with the reclassification they request that a requirement be made that a Plan of Management be prepared within a 3 year period. This would remove member's concerns that the future use of the land was in accordance with Miss Davies' wishes. No requirements to this proposal	Should Council resolve to reclassify the land to community then a plan of management would need to be as a matter of urgency as current operations could not continue without one.	Nil
9	The subject land is located adjacent to Camden Airport and may be affected by land use restrictions. Council is requested to review the Camden Airport Master Plan 2010 for further details Should any further development be considered on the land discussions need to be undertaken with Camden Airport Limited prior to the lodgement of a development	Noted Noted Noted	Nil Nil Nil

Submission No	Issues raised	Officer Assessment	Recommended Action
10	<p>application.</p> <p>There has been insufficient justification from Council staff to justify the reclassification of the land to operational.</p> <p>The proposed reclassification of the Town Farm as operational is directly against Miss Davies' requirements and wishes as provided in her Will and Council reports and should be refused.</p> <p>The terms of the Will (transferring the Town Farm to Camden Council) as an "instrument executed by the donor or transferor of the land" prohibit the Farm's proposed reclassification to operational land as the related resolution is prohibited under section 31(3)(b) of the LGA, and the proposed reclassification should be abandoned.</p> <p>The exhibited Statement of Council's Interest (table) for Camden Town Farm is flawed as the following items fail any objective confirmation assessment and are of no relevance:</p> <p>(a) Existing Agreements Over the Land</p> <p>The statement states that the site is under the control of a section 355 Standing Committee. It does not state that the Committee is opposed to the reclassification.</p>	<p>The planning proposal outlined that Council had originally resolved to classify the land as operational however as there is no evidence of the required public notification this is now being rectified. The planning proposal addresses the appropriate statutory matters necessary for the formalisation of the operational classification.</p> <p>The reclassification is not considered to be against Miss Davies' wishes. The reason for the operational classification is to ensure that the requirements of her will are legally able to be enacted.</p> <p>Section 31(3)(b) is not applicable in this instance as The resolution to reclassify the land to operational is consistent with the terms of Miss Davies' Will.</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p> <p>(a) Noted</p> <p>(b) Agreed, however one of the requirements of Miss</p> <p>(a) Nil</p> <p>(b) Nil</p>

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>(b) Asset Management and Financial Benefits for Council</p> <p>The statement states that <i>"The objectives of Council include the conservation of the heritage buildings and the conservation of the rural landscape. The ongoing development and maintenance of the site will be undertaken in accordance with any heritage requirements for the betterment of the facility. The reclassification will permit the potential development of the land in accordance with the Camden Master Plan"</i>.</p> <p>This objective could be achieved under the existing planning controls and the required Plan of Management under the LGA.</p>	<p>Davies' Will was that the land be operated as a dairy and be used for grazing of livestock. This required the land to be classified as operational. Should Council decide to reclassify the land to community then a number of activities, including the Town Farm Markets would need to cease trading until such time as new management protocols were put in place together with a plan of management. This would take a minimum of 9 months.</p>	
	<p>The Council's exhibited Planning Proposal for the Camden Town Farm does not justify approval of the reclassification which should be refused. The justifications offered in the exhibited document are bland, give no answers to "what alternatives are open to the Council in progressing it" or "why" such action is necessary and should, therefore be refused.</p>	<p>The planning proposal outlined that council had originally resolved to classify the land as operational however as there is no evidence of the required public notification this is now being rectified.</p>	Nil
	<p>Part of the Planning Proposal again states that <i>"the matters dealt with in this planning proposal are of a minor nature and do not result in any adverse impacts upon the community"</i>. Notes concern due to the community being removed from direct participation in related decision making.</p>	<p>The matters dealt with in this planning proposal relate to the reclassification of 4 Council owned properties to operational. With regard to the Camden Town Farm the reclassification was undertaken to formalise to operational classification which Council had resolved in 2000. The Town Farm has been managed successfully by a Section 355 committee of Council. It is not envisaged that this planning proposal would result in</p>	Nil

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>States that the Planning Proposal does not adequately address items listed in Department of Planning Practice Note PN09-003:</p> <ol style="list-style-type: none"> 1. There are no planning merits of the proposal identified. 2. There are no reasons for the proposal identified. 3. There is no indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and the type(s) of benefit that could arise. 4. There is no asset management objectives identified as being pursued, or the manner in which they will be achieved or the type of benefits that Council wants. 	<p>any adverse impacts on the community or remove them in any way from being involved.</p> <p>The Planning Proposal has been prepared using LEP Practice Note PN 09-003, which was included in the exhibition material. The merits and reasons for the reclassification were outlined in the Background section. There was no indication of any financial gain or loss as the reclassification was undertaken to maintain the status quo.</p> <p>The assessment management objectives are extensively outlined in the Town Farm Masterplan which forms part of the Planning Proposal.</p>	<p>Nil</p>
	<p>The community cannot rely on Council using the existing Town Farm Master Plan as a guide to future development as proposed in the exhibited material. This is because Council staff have already this year approved without public exhibition or reference to Council a significant development (large Department of Education "Primary Industries Training and Assessment Centre") under delegated authority which is clearly inconsistent with the Master Plan and, on a strict interpretation, prohibited under Camden LEP 2010. Therefore the proposed reclassification should be refused.</p> <p>Council Officers attended Town Farm Committee meeting on 21 November 2012 and provided members with the document at Attachment "H". This purports to support the case for reclassification on the basis that Master Plan</p>	<p>The Town Farm Masterplan states that its purpose is to "provide Council and the Town Farm Management Committee with a clear graphical portrayal of the key elements of the farm precinct, including potential activities and developments, their functional relationships and activity impacts"</p> <p>On 14 June 2012 Council approved the erection of an agricultural shelter on the Town Farm. This development had been approved by the Town Farm Management Committee.</p> <p>The advice provided by Council officers to the Town Farm committee meeting held on 21 November 2012 provided committee members with the background to the reclassification. It stated that if the land was to be reclassified</p>	<p>Nil</p>

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>proposals cannot be implemented on community land. This is wrong provided they are incorporated in a Plan of Management including any proposals to lease land for up to 30 years. Implementation of such a plan does not require exclusion of commercial interests as suggested</p>	<p>to community then a plan of management would need to be prepared and that this would take some time. Until the plan of management was adopted a number of activities would need to cease In addition the Produce Markets, which are currently run by for profit company, would no longer be able to operate.</p>	
11	<p>The properties at the Camden Town Farm and Smeaton Grange are not within a Mine Subsidence District and are not subject to Building Restrictions of the Board</p> <p>The properties at Elizabeth Park and Mount Annan Leisure Centre are both within the South Campbelltown Mine Subsidence District and are subject to the standard mine subsidence development guidelines.</p>	<p>Noted</p> <p>Noted</p>	<p>Nil</p> <p>Nil</p>
12	<p>Opposed to the reclassification as it would jeopardise the use and ownership of the land which is against the wishes of Miss Davies. Council is the custodian of her generous gift.</p> <p>If the classification is changed the Town Farm can be leased or sold by Council.</p>	<p>Note the objection however as stated previously the operational classification has been adopted to ensure that Miss Davies' wishers are able to be carried out.</p> <p>It is noted under the Local Government Act Council is able to dispose of land classified operational. However it is recognised that the Camden Town Farm is a community asset which is becoming more popular and heavily patronised due to the efforts of the Section 355 committee and other associated community groups. There is no intention to sell the land. The operational classification is required to provide the committee with flexibility to ensure that the Town Farm is operated in line with Miss Davies' wishes.</p> <p>The Town Farm is managed by a committee of Council which comprises mainly community members who donate their time</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p>
	<p>The use of the land should be for the community and be presented openly for their scrutiny and consent.</p>		<p>Nil</p>

Submission No	Issues raised	Officer Assessment	Recommended Action
13	<p>The Camden Fresh Produce Market has been operating for over 11 years and for the past 3 years at the Camden Town Farm. They believe that the land should be reclassified to operational to enable the markets to continue to operate. This would give them a greater degree of security and ensure a continued source of revenue for the Camden Town Farm.</p>	<p>free of charge. The Town Farm operates under a Masterplan that was placed on public exhibition for comment before being adopted by Council.</p> <p>Noted</p>	Nil
14	<p>The land was willed to the people of Camden By Miss Davies with the express wish that it be used for the community of Camden following her passing.</p> <p>Concern that if the land is reclassified then there is no guarantee it will not be leased for commercial use or sold to developers.</p>	<p>Noted</p> <p>As previously stated there is provision under the Local Government Act for Council to dispose of land classified operational. However is is recognised that the Camden Town Farm is a community asset which is becoming more popular and heavily patronised due to the efforts of the Section 355 committee and other associated community groups. There is no intention to sell the land. The operational classification is required to provide the committee with flexibility to ensure that the Town Farm is operated in line with Miss Davies' wishes.</p>	Nil
	<p>The justifications for the reclassification provided in the exhibited material are minor</p>	<p>As indicated above the planning proposal outlined that Council had originally resolved to classify the land as operational however as there is no evidence of the required public notification this is now being rectified. The planning proposal addresses the appropriate statutory matters necessary for the formalisation of the operational classification.</p>	Nil

Attachment 3
ORD06

Submission No	Issues raised	Officer Assessment	Recommended Action
	<p>The current zoning and master plan provides more than adequate guidance for Council and should be followed while retaining the current classification including the preparation of a plan of management such as exists for the adjoining Bicentennial Equestrian Park and Onslow Park.</p> <p>With the rising population of the Macarthur area the need for community land is increasing.</p>	<p>Agreed that the current planning controls are adequate to ensure the continue management of the Town Farm. A plan of management is only required if the land is classified as community.</p> <p>Council acknowledges the need for open space land. The purpose of the reclassification is to ensure the current management regime is continued. There is no intention or proposal to dispose of the land.</p>	<p>Nil</p> <p>Nil</p>

PUBLIC HEARING REPORT

PLANNING PROPOSAL FOR THE RECLASSIFICATION OF VARIOUS COUNCIL OWNED LANDS

Part Elizabeth Park, Narellan Vale
Mount Annan Leisure Centre
Topham Road, Smeaton Grange
Camden Town Farm

Prepared for:

Camden Council

Prepared by:



5 February, 2013

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CHAIRMAN/FACILITATOR/AUTHOR



GRAHAM G. PASCOE (JP)

(CONSULTANT TOWN PLANNER)
(JANUARY 2013)

QUALIFICATIONS

Bachelor of Economics (Honours)
Postgraduate Diploma in Urban and Regional Planning
Postgraduate Diploma in Local Government Management
Master of Letters (Human and Environmental Studies)
Associate Diploma in Business (Valuation)
Advanced Certificate in Property Agency
Certificate as Town and Country Planner (Ordinance 4)
Master of Teaching (Cand.)

MEMBERSHIPS

Corporate Member of Planning Institute of Australia
(Certified Practicing Planner)

Member of the Institute of Australian Geographers

Former member of Local Government Town Planners
Qualification Committee (Ministerial Appointment)

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2. Details of Public Hearing Attendees
3. Details of Persons Responsible for Written Submissions During Public Exhibition of the Planning Proposal
4. A). Summary of Presentations to Public Hearing
 B). Summary of Submissions Received During Public Exhibition of Planning Proposal
5. Subject Lands
6. Public Hearing ‘Protocols’
7. Council Report ORD 09 - Camden Local Environmental Plan 2010 (Amendment No. 19) - Reclassification of Lands
8. Statement of Council’s Interest
9. Legal Advice in Respect of Camden Town Farm Masterplan and Scope of Activities/Requirements in Respect of a Community Land Classification (7 December, 2012)

1 Introduction

This is a Report on the Public Hearing held on 10 December, 2012 from 6.00pm to 8.00pm at the 'Undercroft' of the Camden Civic Centre, situated at the corner of Mitchell and Oxley Streets, Camden.

The hearing was facilitated/chaired by Mr Graham G. Pascoe, J.P., of Pascoe Planning Solutions Pty Ltd, who was assisted by Ms Robyn Conroy (Town Planner). Mr Pascoe fulfils the criteria established at Section 47G of the Local Government Act, 1993 (LGA 1993) in respect of an appropriate person to conduct the hearing.

Council staff assisting with the conduct of the hearing were:

- Mr Matt Loader – Senior Project Officer
- Ms Kim Fury - Property Officer.

Other Council staff in attendance were:

Mr Chris Lalor – Acting Manager Strategic Planning

Ms Nicole Magurran – Acting General Manager

The relevant statutory protocols in respect of advertising/notifying of the Public Hearing were observed, with extracts presented in ATTACHMENT "1".

Details of those persons present at the Public Hearing are reproduced in ATTACHMENT "2"; whilst ATTACHMENT "3" lists persons who had made a written submission during the public exhibition of the Planning Proposal¹.

A site inspection of all sites, the subject of the Hearing, was undertaken by the Chairman/Facilitator prior to its commencement.

2 Legislative Context

Pursuant to s25 of the LGA 1993, all public land must be classified. There are two classifications for public land – "community" and "operational". Community land is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. It;

- cannot be sold,
- cannot be leased, licensed or any other estate granted over the land for more than 30 years, and
- must have a plan of management prepared for it.

Operational land has no special restrictions other than those that may apply to any piece of land.

Section 27 of the LGA 1993 provides that the classification or reclassification of land may be made by a Local Environmental Plan (LEP).

¹ A summary of the same is presented as ATTACHMENT "4".

Section 28 of the LGA 1993 relates to the preparation of a draft LEP and the need for the owners of the land to consent to the preparation of a draft plan that proposes to either classify or reclassify land that is not owned by Council, in this instance Council is the owner of all lands which are the subject of this Hearing.

Council is required by Section 29 of the LGA 1993 to arrange a public hearing where it is proposed to reclassify community land to operational land. Section 29 reads as follows:

“29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 57 of the [Environmental Planning and Assessment Act 1979](#) in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.*
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.”*

With regard to Section 29(2); no public hearing has been held into the subject matter. The Environmental Planning and Assessment Act 1979 (EPA Act) sets out the public consultation and notification requirements for the exhibition of a draft LEP.

3 Overview of the Public Hearing

The Public Hearing was conducted in respect of the proposal by Camden Council to reclassify certain lands (listed below), pursuant to a Planning Proposal known as Amendment No.19 (Version 2) dated 25 October, 2012.

The parcels of land contained in the subject Planning Proposal include:

- Elizabeth Park – Narellan Vale (Part Lot 2 DP 1138792 – Waterworth Drive, Narellan Vale)

Elizabeth Park – Narellan Vale



- Mount Annan Leisure Centre (Lot 53 DP 857052 – Waterworth Drive and Lot 1101 DP 884135 – 363 Welling Drive, Mount Annan)

Mount Annan Leisure Centre



- Part Topham Road, Smeaton Grange (Lot 3513 DP 830128 – 55 Topham Road, Smeaton Grange)

Topham Road – Smeaton Grange



- Camden Town Farm (Lot 1, DP 532049 – 75A Macquarie Grove Road, Camden; Lot 2 DP 532049 – 40 Exeter Street, Camden; and Lot A DP 3377924 - 75 Macquarie Grove Road, Camden)

Camden Town Farm



A larger scale plan and image of each parcel is presented at ATTACHMENT "5".

The Planning Proposal proposes to reclassify each of the above lands from 'community' to 'operational' land in order to 'carry out the intended outcomes of each site'.²

The Hearing 'Protocols' were established at the outset by the Chairman/Facilitator (refer to ATTACHMENT "6") and were generally complied with. Limited extensions of time for verbal submissions were granted. Further, a written submission from Mr. David Buckley (Camden Town Farm Committee Member) was accepted by the Chairman/Facilitator, whilst still in the hearing venue and in the presence of some staff and attendees, after the closure of the meeting, but before the advertised meeting closure time of 8.00pm³.

A number of participants had pre-registered to speak and confirmed at the commencement of the meeting that they wished to make a verbal presentation in respect of the Camden Town Farm. Their intent was initially noted.

No verbal or written submissions were received on the evening in respect of the following holdings:

- Elizabeth Park, Narellan Vale;
- Mount Annan Leisure Centre; and
- Topham Road, Smeaton Grange.

² Such outcomes were generally loosely described by Council as detailed later.

³ Refer to ATTACHMENT 4 (B) Item 1

Those who had pre-registered (with an interest in the Camden Town Farm proposed reclassification) were subsequently invited to speak in turn and 'hand up' any supporting material. These included:

- Mr. John Drinnan
- Mr. John Wrigley
- Mr. Peter Standen

Following each of these submissions an invitation was extended to any other person present who wished to make a verbal presentation. Three additional verbal submissions were made in this manner, from:

- Mr. Ken Macaulay
- Ms. Roslyn Tildsley
- Mr. Stephen Stubbings

At the close of the Hearing participants were thanked for their presentations and time and were advised of the program for compiling the Report and its submission to Council (January 2013) and of Council's notional timeframe for consideration of the matter (at an Ordinary Council meeting in March, 2013).

As noted previously, Mr. David Buckley (Camden Town Farm Committee member) handed a written submission to the Chairman/Facilitator prior to the scheduled hearing completion of 8:00pm.

4 Information Relied Upon

The following presents a summary of the information used to compile this Report:

- Report submitted to Ordinary Council (meeting) held on 14 August, 2012 – Item Ord09.
- Camden Council minutes – Ordinary Council Meeting, 14 August, 2012.
- Gateway Determination issued by Director General of the Department of Planning and Infrastructure dated 15 October, 2012.
- Camden Town Farm Masterplan prepared by Cityscape Planning and Projects dated March, 2007.
- Legal Advice compiled by Lindsay Taylor Lawyers, in response to a limited Council Brief dated 7 December, 2012. (Reproduced as ATTACHMENT "9").
- The NSW Local Government Act, 1993.
- The NSW Environmental Planning and Assessment Act, 1979.
- The Last Will and Testament of Llewella Hope Burns Davies.
- Camden Local Environmental Plan, 2010.
- Extract of Council Minutes – Ordinary Meeting, 26 April, 2009.
- Extract of Council Resources and Services Committee Meeting Minutes – 13 June, 2000.
- Extract of Council Minutes – Ordinary Meeting – 16 December, 2003.
- Camden Council Public Lands Register.
- Report submitted to Resources and Services Committee – 14 November, 2005.
- Council Minutes – Resources and Services Committee- 14 November, 2005.
- Extract of Council Information communicated at Town Farm Committee Meeting – 21 November, 2012.
- All written submissions to the exhibited Planning Proposal.

- Verbal submissions and supporting written documentation to the Public Hearing of 10 December, 2012.
- Written submission by David Buckley after closure of the Public Hearing, but prior to the advertised projected hearing closure of 8.00pm.

5 Council Reasoning for Reclassification

Council's reasoning for reclassifying the subject land holdings from "community" to "operational" land is not comprehensively documented. The reasoning is summarised in the Council Report ORD09 of 14 August, 2012. A copy of this Report forms ATTACHMENT "7".

The document titled "Statement of Council's Interest"⁴ accompanying the public exhibition of the proposed LEP (Reclassification) Amendment provided some limited clarification of the reclassification intent; salient statements being summarised as follows (with my comment italicised):

Camden Town Farm

The proposed reclassification of the subject site will bring the current use of the site in line with its status.

This statement merely perpetuates the ambiguity.

Elizabeth Park

The reclassification will facilitate the subdivision and sale of this portion of the lot to the adjoining landowners for the purposes of construction of the community centre.

It is clear the intent is to dispose of the land to facilitate a broader community objective.

Mount Annan Leisure Centre

The reclassification will facilitate the consolidation of both lots to achieve the planned expansion.

It remains unclear why reclassification is critical to facilitating a consolidated holding. The merit of consolidation is not challenged.

Topham Road

This reclassification will allow the existing and intended use of the land to be carried out onsite with an operational classification.

The land is currently vacant, with no evidence of an intended future use. This adds little to the merit of reclassification.

6 Summary of Submissions

Produced below is a summary of the matters raised in respect of the proposed reclassification of the Camden Town Farm (CTF) by the concerned members of the community present at the Hearing.

All issues raised at the hearing related to the proposed reclassification of the Camden Town Farm.

⁴ Refer to ATTACHMENT "8"

All speakers objected to the proposed designation as Operational Land⁵. The reasons supporting objection to the proposed reclassification are summarised below with many reinforced in ATTACHMENT "4 (A)".

1. Operational Land would be contrary to the wishes and intent of the donor of the land:
 - a. The donor, Miss Llewella Davies, was a well-known and highly regarded member of the community who had discussed her wishes for the future care and management of the land in detail both in her bequest and in person with several of those addressing the meeting. Her main intent for the land was that the land was to be used by the community in perpetuity for rural or low-impact community uses.
 - b. Council is seen as the caretaker of this gift to the community and should not facilitate its exploitation through identifying it as Operational Land. The main areas of concern in this regard are:
 - i. The potential to use the land for non-rural or commercial purposes; and
 - ii. The potential to sell the land.
 - c. Miss Davies's intention was for the land to remain in rural or sympathetic, low key community purposes that would retain the rural character of the landscape. Operational land designation would allow a much wider range of uses including commercial activity or heavy uses such as a depot on the site.
 - d. Operational designation would allow the site to be sold (whether by this or a future Council) and this would be contrary to Miss Davies' express wishes.
 - e. Community Land designation would ensure that the land must be used in accordance with the existing Masterplan and cannot be sold. It is therefore preferred.
2. The need for Operational Land designation has not been explained or justified to the community:
 - a. Council's explanation that the proposed designation was to regularise its understanding that the land had always been intended to be Operational, but had not been designated for an unknown reason, was rejected.
 - b. Significant concerns were raised that the reasons that the Operational Classification was being proposed by Council had not been properly explained or justified to the community.
 - c. The existing Masterplan was seen generally to be appropriate for its future management (with some minor amendments to convert it to a formal Plan of Management) and should be retained and implemented.

7 Consideration of Issues

7.1 Elizabeth Park - Narellan Vale

No issues were raised during the Public Hearing or the Public Consultation process.

It would appear that a community outcome is likely to be achieved by the reclassification to operational land and disposal to an entity concerned with provision of an accessible community facility.

I accordingly raise no objection to the Council intent.

⁵ It is noted that the submission "handed up" by Mr. David Buckley (CTF representative) supported the proposed "operational" reclassification (refer to ATTACHMENT "4 (B)").

7.2 Mount Annan Leisure Centre

No issues were raised during the Public Hearing or the Public Consultation process.

The need for reclassification to operational land remains somewhat unclear.

However, the doubts are not sufficient for me to raise objection to the Council intent.

7.3 Topham Road - Smeaton Grange

No issues were raised during the Public Hearing or the Public Consultation process.

The reason for reclassification to operational land remains unclear.

However, the doubts are not sufficient for me to raise objection to the Council intent.

7.4 Camden Town Farm

7.4.1 Introduction

The matters raised in the submissions to the public exhibition were oppositional in nature and largely mirrored those communicated verbally at the Hearing and summarised above at Section 6 (refer also to ATTACHMENT "4 (B)").

The Key Issues raised in both forums are further summarised and addressed below.

7.4.2 Jeopardisation of Perpetual Community Use (Including Potential Sale)

Miss Davies Last Will and Testament clearly articulated that upon cessation of farming by the Lessee of the Day that the land should be used by the community in perpetuity for rural or low impact community use. Potential sale of "the Farm" (CTF) is the antithesis of Miss Davies intent and would be facilitated by an "operational" lands classification.

Comment

It is apparent that Miss Davies Bequest intended perpetual community use of the CTF, initially as a commercial farm entity and, in the absence of an ability to continue as a farm, a low impact (grazing) rural or recreational (community) use.

With the cessation of commercial farming and the difficulty in establishing a model farm the CTF Masterplan has been established to guide a range of rural and low impact community uses generally consistent with the intent of the Bequest.

At no stage is there a direct or implied reference to the farm asset being realised by Council.

Although it appears not to be Council's intention to sell or alienate the Farm, the possibility of doing so in the future by a "less sympathetic" Council would be more readily facilitated by an "operational" classification.

A "community" classification clearly negates the prospect of such action and I am inclined to opine, is a good "risk management" strategy in this regard.

Additionally, a "community" classification supported by a relevant Plan of Management would appear to give greater certainty of intended community outcomes.

Finally, it appears that the classification as “operational” land would potentially be precluded by Section 31 (3) (b) of the Local Government Act, 1993 in respect of “the instrument of Bequest”.

7.4.3 Potential Commercial/Non-Rural or Recreational Usage (and Consequential Adverse Effects)

The classification of the CTF as “operational” land enhances the prospects of a range of uses beyond the rural community focus, potentially with consequential adverse impacts and inconsistent with the direct and implied intent of the Bequest.

Comment

It is clear that an “operational” classification may have little constraint and potentially little community impact in respect of uses which may be inconsistent with the Bequest and may have attendant adverse impacts.

Retention of a “community” classification, the need for a requisite Plan of Management, associated public process of granting leases/licenses and community involvement generally would significantly mitigate against the prospects of inappropriate uses and related adverse impacts.

7.4.4 Current CTF Masterplan Could Form Basis of a Plan of Management and Facilitate Broad Ranging Compatible Usage

The CTF Masterplan is advanced as a broad-ranging community inspired vision considered to be consistent with the terms of the Bequest (both direct and implied), whilst providing a responsive management framework.

Comment

The range of uses currently envisaged and addressed in the CTF Masterplan are considered consistent with the intent of the Bequest (both direct and implied).

All such uses can be accommodated under the “community” classification, subject to the adoption of a Plan of Management (refer to Legal Advice at ATTACHMENT “9”).

The CTF Masterplan would appear to provide a solid platform for the expeditious compilation and staged implementation of a Plan of Management.

7.4.5 Reasoning for “Operational” Classification Poorly Articulated by Council

It is claimed that the reasoning for the “operational” classification is poorly articulated with a central and “tokenistic” comment about “making good” a previous intent and it being largely a “procedural matter”.

Comment

The Planning Proposal is considered to poorly articulate the reasoning for reclassification to “operational” land. There is no clear, compelling or comprehensive justification in the Planning Proposal, nor in the Statement of Council’s Interest.

The statement “to bring the current use of the site in line with its status” epitomises the lack of clarity of intent.

8 Conclusion

In accordance with the terms of reference for conducting and reporting on the Public Hearing, the Planning Proposal and public exhibition material have been examined and all submissions reviewed, inclusive of the material detailed in Section 4 of the Report and particularly the Legal Opinion procured by Council in respect of the Camden Town Farm and reproduced as ATTACHMENT "9".

No objections or issues were identified in respect of the following parcels:

- Elizabeth Park - Narellan Vale
- Mount Annan Leisure Centre
- Topham Road - Smeaton Grange

Notwithstanding, the lack of clarity in respect of the need to reclassify the latter two parcels, I raise no objection to the proposed reclassification of all three parcels to "operational" land.

The Camden Town Farm (CTF) has sparked an impassioned outpouring of concern at the prospect that reclassification more readily facilitates, at the extreme, disposal or alienation of a highly prized community asset or part thereof and/or other undesirable landuse prospects.

The prospects of sale are immediately vetoed by a "Community" land classification; whilst the inherent obligation for a Plan of Management to accompany any community land minimises the potential of adverse landuse impacts.

The legal advice commissioned by Council clearly indicates that the range of uses identified in the Town Farm Vision and articulated in the Town Farm Masterplan can be pursued on land with a "Community" classification.

It is, however, noted that there are some current uses which may require licenses or the like that previously weren't issued and necessitate cessation until a Plan of Management and relevant licenses or similar are in place.

On balance, I am, however, not persuaded that the land needs to be classified for operational purposes and indeed is better placed and potentially managed as an iconic community asset, if it retains its "Community" land classification accompanied by a relevant Plan of Management.

Every effort should, however, be made to minimise any disruption attached to the adoption of a Plan of Management.

Finally, notwithstanding the above, it would appear that the reclassification as "operational" land would potentially be precluded by Section 31 (3) (b) of the Local Government Act, 1993 given the nature of the "instrument" of Bequest". Council should consider commissioning further legal advice in this regard for purposes of clarity.

9 Recommendations

In the light of the preceding conclusions I make the following recommendations:

1. That the Planning Proposal known as Amendment No. 19 (version 2) dated 25 October, 2012 be amended by deleting the proposal to reclassify the Camden Town Farm (namely, Lot 1 DP 532049 - 75A Macquarie Grove Road, Camden, Lot 2 DP 532049 - 40 Exeter Street, Camden and Lot A DP 3377924 - 75 Macquarie Grove, Camden) as "operational" land.
2. That the balance of the Planning Proposal to reclassify the following lands to "operational" lands proceed:
 - Elizabeth Park - Narellan Vale (Pt. Lot 2 DP 1138792 - Waterworth Drive, Narellan)
 - Mount Annan Leisure Centre (Lot 53 DP 857052 - Waterworth Drive and Lot 1101 DP 884135 - 363 Welling Drive, Mount Annan)
 - Part Topham Road - Smeaton Grange (Lot 3513 DP 830128 - 55 Topham Road, Smeaton Grange)
3. That a Plan of Management, underpinned by the Camden Town Farm Masterplan (2007), be expeditiously prepared for the Camden Town Farm and every effort be made to minimise any disruption to its adoption and facilitate the smooth transition of existing activities which require licenses in such context.
4. That this Report be made publicly available.

Attachment 1
PUBLICITY IN RESPECT OF PUBLIC HEARING

ORD06

Attachment 4



COMMUNITY ANNOUNCEMENTS

TRAFFIC DISRUPTION
 L26 Kemohan Drive, between Lodges Road and Camden Bypass is being constructed in readiness for the future connection to Camden Bypass. The works between Lodges Road and the future Camden Bypass intersection which are being carried out in conjunction with the Lodges Road contract, are ahead of schedule and due for completion in November 2012. Works include the construction of new dual carriageway road, one roundabout, a major culvert crossing, landscaped centre reserves, paths, cycleway, tree planting and hedges.

Camden Bypass Intersection and Link Road to Richardson Road
 Construction of the Camden Bypass Intersection and its connection with Richardson Road and the section of L26 Kemohan Drive to Lodges Road is about to commence. This work is being managed by Landcom on behalf of Camden Council and NSW Roads and Maritime Services. Council has been advised these works will be completed by March 2013.

L26 Kemohan Drive, Spring Farm
 This road is being constructed for future connection to Camden Bypass. Camden Bypass and Link Road to Richardson Road, Narrabri
 Work has commenced on the intersection and is being managed by Landcom.

Oxley Park Drive, Oxley Park
 Shoulder upgrading along Oxley Park Drive will commence. Minor traffic delays may be experienced.

Mossburn Green Road, Kithurst
 Shoulder widening between Kithurst Lane and Cobble Road will be occurring this week. Minor traffic delays may be experienced.

Cobbly Road, Cobbly
 Shoulder grading in the vicinity of Mossburn Anglican School will be occurring. Minor traffic delays may be experienced.

NOBODIE WEED SPRAYING / ALLIGATOR WEED
 Camden Council wishes to advise all residents and visitors with in the Camden Local Government Area that herbicide spraying for the noxious weed, Alligator Weed, will be undertaken along the Nepean River between Alfred Creek and Theresa Park Weir.

There will be two rounds of treatment, each lasting between three and six weeks. Round one will commence on or after Wednesday 14 November 2012, and round two is due to start on Saturday 2 February 2013, weather permitting.

The public is advised not to use, drink or swim in these waterways during the above periods. The treatment will be conducted in accordance with the NSW Department of Environment, Climate Change and Water Licence issued to Council for the control of noxious weeds in and adjoining waterways with herbicides.

Under the provisions of the Noxious Weeds Act 1993, Alligator Weed is a Class 3 weed. If you find this weed on your land the weed must be fully and continuously suppressed and destroyed. It is advisable to contact Camden Council's Noxious Weeds Officer or the NSW Department of Industry and Investment to obtain advice regarding the control of this weed, if you have identified it on your property.

Alligator Weed infestations will be treated according to manufacturer's specifications with Metolachlor Methyl and/or Cyfluthrin. All chemicals are registered for this use by the Australian Pesticides and Veterinary Medicines Authority.

For more information phone Matthew McLaughlin on 4654 7777

MAKE YOUR CONTRIBUTION TO THE NEPEAN RIVER AND NARELLAN CREEK FLOOD STUDIES
 Camden Council is seeking to improve the understanding of flooding from the Nepean River and Narellan Creek including the tributaries. This information will be used to prepare for flood events and help to minimise the risk to current and future residents of the Catchment area.

The existing Flood Studies were undertaken during the late 1990's and were based on topographic survey data and computer modelling techniques available at that time. The rapid development within the catchment and land use changes over the last 20 years mean that the flood behaviour may have changed and accordingly, must be reassessed. The identification of flood prone land is essential to ensure that this growth is managed in the Camden area in a sustainable manner.

Council has engaged WorleyParsons to update the existing Flood Study for the Nepean River and Narellan Creek including the tributaries. These Flood Studies are partially funded by the State Government under Floodplain Risk Management Program.

If you have experienced flooding in your local area we'd love to hear from you. Please visit our website, download the questionnaire and return it to PO Box 183, Camden NSW 2570. Alternatively you can email your responses to nepean@worleyparsons.com

A brochure enclosing the questionnaire in relation to the Flood Studies is also being sent to the residents in the vicinity of Nepean River, Narellan Creek and their tributaries.

A brochure enclosing the questionnaire in relation to the Flood Studies is also being sent to the residents in the vicinity of Nepean River, Narellan Creek and their tributaries.

37 John Street, Camden NSW 2570 | DX 25807, PO Box 183, Camden NSW 2570
 P: 02 4654 7777 | F: 02 4654 7629 | W: www.camden.nsw.gov.au | E: mail@camden.nsw.gov.au

16 - Camden-Narellan Advertiser, Wednesday, November 14, 2012

Call 13 24 25... That's Fairer Community Classifieds

Binder: Amendment No. 19 – Reclassification of Lands

Department Of Education
C/ The Benevolent Society NSW
PO Box 364
CAMDEN NSW 2570

7 November 2012

Dear Sir/Madam,

RE: CAMDEN LEP 2010 (AMENDMENT No. 19) – RECLASSIFICATION OF LANDS

I refer to the abovementioned Planning Proposal currently on public exhibition.

The planning proposal seeks amend a heritage item lot description for the Camden Town Farm Heritage Item and to reclassify various lands within the Camden Local Government Area from 'Community' land to 'Operational' land.

Please note in the vicinity of your property, the Camden Town Farm lands are proposed to be reclassified to 'Operational' lands. In particular, the following land is proposed to be reclassified:

- Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
- Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
- Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

For more information on the Planning Proposal, please refer to the exhibition materials, which are available at the following locations from 7 November 2012 to 5 December 2012:

- Camden Office Customer Service Centre - 37 John Street, Camden
- Narellan Office Customer Service Centre - 19 Queen Street, Narellan
- Camden Library - 40 John Street, Camden
- Narellan Library - Cnr Queen and Elyard Street, Narellan
- Camden Council Website – www.camden.nsw.gov.au

If you wish to make a submission to the Planning Proposal, it is requested that all comments are received in writing no later than close of business **5 December 2012**. All submissions should be marked attention to Council's Senior Project Officer, Matt Loader and addressed to:

The General Manager
Camden Council
PO Box 183
Camden NSW 2570

In accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979, a Public Hearing has been organised where the community can put forward any issues, comments or concerns. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration. Council invites you to attend and the following are the details for the Public Hearing:

Where: Camden Civic Centre – Undercroft
Oxley Street
Camden NSW 2570

When: 10 December 2012
6:00pm to 8:00pm

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 requires any person making a submission to this Planning Proposal to disclose any reportable political donation or gift as defined in Part 6 of the Election Funding and Disclosures Act 1981. A copy of the Disclosure Statement is available for download from Council's website or available at any of Council's Customer Service Counters. If you have made a reportable political donation or gift to any Camden Council Councillor or employee within the past 2 years, you must disclose this in accordance with the Act.

Should you require any further information in regards to the Planning Proposal, please do not hesitate to contact me on 4654 7798.

Yours sincerely,

Matt Loader
Senior Project Officer

Contact: Matt Loader
Phone: (02) 4654 7798
Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

Mines Subsidence Board
ATTN: District Manager – Darren Bullock
PO Box 40
PICTON NSW 2571

Dear Darren,

**RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM
'COMMUNITY' TO 'OPERATIONAL' LAND**

I refer to the requirements of the Gateway Determination for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This is to ensure consistency with Section 117 direction 4.2 – Mine Subsidence and Unstable Land. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

ORD06

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Attachment 4

Contact: Matt Loader
 Phone: (02) 4654 7798
 Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

NSW Rural Fire Service
 ATTN: Doug Stevens
 Locked Mail Bag 17
 GRANVILLE NSW 2142

Dear Doug,

RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

I refer to the requirements of the Gateway Determination for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This is to ensure consistency with Section 117 direction 4.4 – Planning for Bushfire Protection. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

ORD06

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Attachment 4

Contact: Matt Loader
 Phone: (02) 4654 7798
 Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

The Secretary
 Department of Infrastructure and Transport
 GPO Box 594
 CANBERRA ACT 2601

ATTN: Aviation

Dear Sir/Madam,

RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

I refer to the requirements of the Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979 (NSW)* for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This Planning Proposal is being forward to you due to the vicinity of the Camden Town Farm site to the Camden Airport, and to ensure consistency with Section 117 direction 3.5 – Development Near Licensed Aerodromes. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

ORD06

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Attachment 4

Binder: Amendment No. 19 – Reclassification of Lands

<Name>
<Address 1>
<Address 2>

6 November 2012

Dear <Name>,

RE: ACKNOWLEDGEMENT OF SUBMISSION TO RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

Council takes this opportunity to acknowledge receipt of your submission to the proposed reclassification of various public lands from 'Community' to 'Operational'.

Please note that all of the issues, comments, and concerns raised within your submission will be noted and considered by Council in its decision on the reclassification of lands.

Council also extends an invitation for an opportunity to speak to your submission at a Public Hearing, organized in accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration. The following are the details for the Public Hearing:

Where: Camden Civic Centre – Undercroft
Oxley Street
Camden NSW 2570

When: 10 December 2012
6:00pm to 8:00pm

If you wish to have an allocated time to speak to your submission, you are encouraged to contact me on 4654 7798. Please note, if you wish to attend the Public Hearing and speak to your submission, a total of 10 minutes will be allocated for your opportunity to state your issues, comments, or concerns.

If you have any questions, do not hesitate to contact me on the details above.

Yours Sincerely,

Matt Loader
Senior Project Officer

ORD06

Attachment 4

Attachment 2

DETAILS OF PUBLIC HEARING ATTENDEES

**PERSONS SIGNING ATTENDANCE SHEET AT THE PUBLIC HEARING HELD AT
CAMDEN COUNCIL**

(Note: contact details are not provided here but are available on the original sheets)

Name	Address
Peter Standen	66 William Campbell Avenue, Harrington Park
John Drinnan (Camden Town Farm Committee)	282 Cobbitty Road, Cobbitty
R Moore (Camden Town Farm Committee)	ns
Roslyn Tildsley	40 Valley View Drive, Narellan
Ken Macaulay	12 Hill Street, Camden
John Wrigley	Camden Historical Society (PO Box 566 Camden)
Steve Stubbings (Limetree/Baptist Church)	3 Cashmere Drive, Elderslie
Les McDonald	135 Springfield Road, Catherine Field
Tony Biffin	220 Biffins Road, Candor
Jim Cook	19 Broadford Street, St Andrews
Betty Yewen	Broughton Street
David Buckley (Camden Town Farm Committee)	ns

ORD06

Attachment 4

Attachment 3

DETAILS OF PERSONS RESPONSIBLE FOR WRITTEN SUBMISSIONS DURING PUBLIC EXHIBITION OF THE PLANNING PROPOSAL

AUTHOR	PARTY PRESENTED
Corrine Manyweathers	Sydney Water
Colin Grove	Sydney Metro Airports
Douglas Barrett	Camden Historical Society Inc.
Les & Fay McDonald	Selves/Community
Janina Learmont	Self/Community
John Drinnan	Self/Community
K. J. Macaulay	Executor of Estate of Miss Davies
Roslyn Tildsley	Self and Frank & Margaret Tildsley
Trish Hyeronomous	Self and Peter Hyeronomous
Peter Standen	Self/Community

ORD06

Attachment 4

Attachment 4 (A)
SUMMARY OF SUBMISSIONS
COMMUNICATED AT THE PUBLIC HEARING

1. **John Drinnan** (representing himself, the CTF's s.355 Committee (the management committee for the site) and Ray Moore (who formerly operated the dairy farm on the site))
 - a. Has Council received a copy of the submission? Matt Loader confirmed receipt of the submission.
 - b. Mr. Drinnan then proceeded to read his submission to the meeting. The main issues contained were as follows:
 - i. Objects to the proposed classification of the land as operational;
 - ii. Classification as operational is clearly against the wishes of Miss Llewella Davies who bequeathed the farm for the use of the community – the people of Camden, with Council as custodian. She had discussed her wishes in detail with Mr. Ray Moore and he advised Mr. Drinnan that Miss Davies had made it clear that she did not want the land sold or used for activities other than as described in her Will.
 - iii. The proposed reclassification has not been properly justified or argued. Describing the proposal as 'minor' is not accurate or adequate. Pros and cons of each option should be explained to the community.
 - iv. In the opinion of the Committee the existing zoning and Masterplan provide adequate guidance. The existing community classification should be retained and a plan of management prepared for the site.
 - c. Mr. Drinnan also raised the following issues:
 - i. The land was bequeathed to the community by Miss Davies with the intention that Council act as its custodian on behalf of the community. Mr. Moore discussed the matter with Miss Davies in detail prior to making the will and she took great care to ensure that the wording reflected her wishes precisely. He (Mr. Drinnan) noted that Miss Davies did not consider the sale of the land an appropriate use of the bequest. The proposed classification as operational land is not consistent with her wishes.
 - ii. Mr. Drinnan acknowledges that there is no current proposal to sell the land but is concerned that if it is reclassified operational there will be a potential to sell the land without consultation or involvement by the community.
 - iii. He noted that the problem had arisen from error/bad legal advice to Council and the need for a Plan of Management if the land is Community; also that certain uses may have to be suspended while this Plan is prepared.
 - iv. He was concerned about the suggestion that even if the land is designated Community now it could be re-designated Operational in the future.
 - v. Re. The description of the classification as a 'minor' issue; he disputes this given the potential impact on the land, potential to sell it and the likelihood of going against Miss Davies' Will.
 - vi. He would like to see the land remain Community into the future in order to respect her significant gift to the people of Camden, to do what is right by Miss Davies; to implement her wishes; enact the uses identified in the Masterplan and prevent the inappropriate sale of the land. In his opinion the Plan of Management will allow each of these to be achieved.
2. **Mr. John Wrigley** (representing the Camden Historical Society (140 members))
 - a. Mr. Wrigley explained that he had had considerable personal connection with Miss Davies over the years, particularly in the last years of her life and he was aware that the bequest was very carefully thought through. She had discussed it with her solicitor, Council's General Manager and several Mayors. The wording had been drafted very carefully by her so there would be no doubt about the future use of the site.
 - b. The current proposal would be a matter of great concern to her.

- c. Mr. Wrigley then proceeded to read from his written submission. The issues he highlighted included:
 - i. He is concerned for the future of the property.
 - ii. Why does the land need to be reclassified in order to achieve Miss Davies' wishes and the provisions of the Masterplan?
 - iii. Were the executors of the Estate consulted directly?
 - iv. The community is generally quite happy with the Masterplan: a lot of thought has gone into it and it has broad community support.
 - v. To be told that there is a technical problem with the status of the land and given such a thin justification for the proposed reclassification is not good enough. The Historical Society feels that no convincing argument has been made why the existing and proposed activities cannot occur under a Community Land designation.
 - vi. The proposed reclassification appears to be a serious downgrading of the land.
 - vii. There would be nothing to stop future Council decisions designating the land for depots and offices or even selling the land without consultation.
 - viii. This would be downgrading of a generous donation.
 - ix. A plan of management is required as a matter of urgency.
 - x. The existing Masterplan provides clear basis for the Plan of Management. Resources should be allocated immediately to prepare this Plan. This would resolve most of the issues surrounding the use of the site and would allow it to be Community Land.
 - xi. In his opinion 30 years is a perfectly acceptable period for a lease for example the proposal by the Department of Education.
 - xii. It is important to protect Miss Davies' bequest in case council amalgamations proceed and/or a less sympathetic Council replaces the existing.

3. Mr. Peter Standen (66 William Campbell Avenue, Harrington Park)

- a. Mr. Standen advised that his presentation may take longer than 10 minutes; the Facilitator agreed to 15 minutes.
- b. Mr. Standen is a member of the Camden Town Farm Committee.
- c. Mr. Standen tabled a copy of his objection to the proposed classification of the property as Operational Land. He also advised that he has seen the legal advice prepared for Council (a copy being forwarded by Council to the Camden Town Farm Committee).
- d. Mr. Standen advised that his objections relate mostly to poor administration by Council staff over the years. He cited examples from his submission. The issues included:
 - i. No identification or discussion of alternatives considered and lack of justification for both the omission of the original classification and the current proposal.
 - ii. Requirements of the Local Government Act and Regulations should be seen to be complied with as part of the process.
 - iii. The level of community activities that can occur under a Plan of Management should be identified.
 - iv. It is obviously Council's intention to classify the land as operational.
 - v. Council's assertion that it has been managed as operational land since first under their control is contrary to resolutions of Council to prepare a Plan of Management.
 - vi. In his opinion the recent Department of Education proposal to build a shed on the site was against the Masterplan, not permissible under the LEP and should not have been approved (as an 'agricultural shelter') under delegated authority.
 - vii. He doesn't object to this use, just the process.

- viii. He objects to tenders to construct the shed/building. It should be moved to the adjacent site.
- ix. He raised issues with Council's former General Manager and former Director of Technical Services but no change was made to the proposals.
- x. He is of the opinion that Council is running roughshod over community land which is contrary to Miss Davies' wishes.

4. Other non-registered speakers were invited to address the meeting.

- a. **Mr. Ken McCauley** (Executor of the Estate of the Late L. Davies (benefactor))
 - i. Please see his written submission in his capacity as the executor of Miss Davies' Will which was prepared with the support of his co-executor Bruce Cunningham.
 - ii. He supports the previous submissions and in particular John Wrigley's comments about Miss Davies' intentions. She would be aghast at the suggestion to create discretion to Council to do things not contemplated by her.
 - iii. He accepts that this is not necessarily Council's current intention, but could well be so in the future.
 - iv. He also agrees with the statements about the Plan of Management made by previous speakers and notes that although there are limitations attached to designation as Community Land, in his opinion, they can be overcome.
 - v. He has discussed the potential term of leases with Councillors and notes that they can be longer than five years with the Minister's consent and the similar example of Bicentennial Park.
 - vi. An appropriate Plan of Management would allow all required and appropriate uses to proceed rather than create an open door to things that are not in accordance with the bequest.
- b. **Ms. Roslyn Tildsley**
 - i. She knew Miss Davies well. Miss Davies loved Camden and was a very community minded lady as is shown by her giving her farm to the community.
 - ii. The community gardens on the site are great for the community and their aim, to bring the community together, is working well.
 - iii. Miss Davies always spoke her mind. She was specific and exact in her intentions, and her intention was for the community to enjoy the land, not an open door for other uses she didn't want.
- c. **Mr. Stephen Stubbings** (architect and Minister of the Baptist Church)
 - i. He is an occasional user of the Town Farm (as organiser for the Church).
 - ii. In his opinion the fundamental issue is the preservation of a community asset in perpetuity.
 - iii. He feels that the only way to retain this is through Community Land designation and use.
 - iv. Council is to be hoped to preserve the farm as Community Land.
 - v. The reasons presented in the advertising material were inadequate to confirm the need for a non-community designation, particularly given the very commercial uses of Operational Lands such as stadiums and major facilities.
 - vi. He believes that the Camden Town Farm can operate successfully as community land and would like to see this occur.

ORD06

Attachment 4

Attachment 4 (B)

SUMMARY OF SUBMISSIONS RECEIVED DURING PUBLIC EXHIBITION OF PLANNING PROPOSAL⁶

⁶ Including written submission "handed up" by Mr. David Buckley at the conclusion of the Public Hearing.

ISSUES RAISED IN WRITTEN SUBMISSIONS

1. D Buckley (Citizen Representative on the Camden Town Farm (CTF) Committee)

- The members of the Camden Town Farm Committee would like to construct a covered outdoor working area to enhance opportunities for further activity and community participation on the farm.
- The Committee works very hard to maintain and improve the farm for the community; including both physical works and by growing produce etc for local sale.
- The farm is a special and spiritually moving place.
- Operational designation would allow the shade structure which would allow demonstrations for groups such as school children out of the sun.
- This type of farm can ignite a passion for rural life and career.
- The lack of Operational designation has already prevented the use of the land by the NSW Department of Education in a co-host arrangement (*note: details not provided*)
- Lack of Operational designation will prevent leasing the Lucerne paddock and agistment paddocks for more the 5 years.
- Lack of Operational designation will also prevent the continued development of the farm in accordance with the Masterplan.
- The land should be Operational in accordance with its original intention.

Comments

The inspirational impact/opportunities of the CTF are noted.

Lack of "operational" designation not considered to be a major constraint to operation/development (see also Legal Advice).

2. Corrine Manyweather (Sydney Water)

- No comment or special requirements

Comments

Noted

3. Colin Grove (Sydney Metro Airports)

- The land is adjacent to Camden Airport and is subject to regulation and restrictions.
- No comment made re the designation of the land
- Notes that any development (regardless of designation) will be subject to the provisions of the statutory legislation.

Comments

Classification not an issue per se.

Future potential concerns addressed via planning/statutory processes.

4. Camden Historical Society (Douglas Barrett) (in addition to address to the Hearing)

- Objects to reclassification of the land to Operational
- Raises question of why the land must be Operational in order to achieve the objectives of the Masterplan and/or to carry out Miss Davies' wishes.
- Feel that Miss Davies would be horrified at the thought of making the land able to be used commercially.

- Concerned that Operational will facilitate redevelopment or use contrary to Miss Davies' wishes.
- The proposed lease to the Department of Education should be a short term lease. A long term lease would be contrary to reserving the land for the community in accordance with Miss Davies' will.
- The statement provided by Council that the land cannot be used in the manner proposed without being re-designated Operational is not convincing.
- The society understands that no consultation (other than the general community consultation) has been undertaken with the Executors of the Estate. This should be done, if only as a courtesy.
- Requests that if the reclassification is supported by the independent professional preparing this report on the Reclassification; a condition be attached that Council must prepare and finalise a Plan of Management for the Camden Town Lands within three years of the reclassification.
- The Plan of Management should provide certainty about the proposed use of the site for the community and future Councils; and demonstrate its accordance with Miss Davies' wishes.

Comments

Concur lack of "operational" designation not considered to be a major constraint to operation/development.

Concur Council reasoning for reclassification is not compelling.

Public Hearing held and outcomes contained in this Report.

Executors of Estate have made verbal and written submissions.

Limitation on extent of commercial operations via a Plan of Management supported. However, Plan of Management must be prepared in an expedient manner.

5. Les and Fay McDonald

- Object to the proposed reclassification because:
 - o The land was willed to the people of Camden for use by the community.
 - o Reclassification would allow sale or lease of the land without consultation with the community.
 - o This would be contrary to the principles of open government.
 - o The justification provided for the reclassification is inadequate and they are of the opinion that those making the statement that the change is 'minor' are not qualified to make such a statement.
 - o The current zoning and master plan provide adequate guidance for the management of the Farm.
 - o A Plan of Management should be prepared.
 - o The increase in population means that a facility such as the Farm is increasingly important.
- They support Council's stated objective of encouraging Camden to remain a working country town.
- They ask Council to be mindful of recent ICAC investigations into State Government dealings in land development decisions.

Comments

Importance of the CTF to the community and reflection of district's farming heritage noted.

Concur Council reasoning for justification is not compelling.

ICAC reference not considered relevant, nor is the inference appropriate.

6. Janina Learmount - PO Box 636 Camden

- Objects strongly to the proposed reclassification.
- Reclassification would put the use and ownership of the land in jeopardy and would be against Miss Davies' intentions.
- The land was donated for the use of the community and Council is only the custodian.
- Reclassification would allow lease or sale contrary to the intention for use by the community.
- Any proposed use should be presented for full community scrutiny.
- Supports uses such as the markets and community garden and enjoys them regularly.

Comments

Importance of CTF to the community is noted.

Council role as "custodian" is acknowledged.

Concur public process for use (via "community" classification) considered appropriate.

Support of current uses noted.

7. John Drinnan - 282 Cobbitty Road, Cobbitty

- Representing himself, the CTF's s.355 Committee (the management committee for the site) and Ray Moore (who formerly operated the dairy farm on the site).
- Note: Mr Drinnan's verbal presentation was based on this written submission.
 - o Very disappointed with Council's proposal to reclassify the land as Operational.
 - o Reclassification would allow the land to be sold as if private land without further consultation with the community.
 - o The reasons for his strong objection to the proposal are as follows:
 - Classification as operational is clearly against the wishes of Miss Llewella Davies who bequeathed the farm for the use of the community – being the people of Camden, with Council as custodian. She had discussed her wishes in detail with Mr Ray Moore and he advised Mr Drinnan that Miss Davies had made it clear that she did not want the land sold or used for activities other than as described in her Will.
 - The proposed reclassification has not been properly justified or argued. Describing the proposal as 'minor' is not accurate or adequate. Pros and cons of each option should be explained to the community.
 - In the opinion of the Committee the existing zoning and Masterplan provide adequate guidance. The existing community classification should be retained and a Plan of Management prepared for the site.

Comments

Concur sale of property (if pursued) more readily facilitated by "operational" classification.

Strong intent of Miss Davies Will noted.

Concur Council reasoning for "operational" classification not compellingly argued.

Committee position of opposition to reclassification noted.

Concur the planning framework (inclusive of the CTF Masterplan) provide vision and direction for the future, but need to be reinforced with a Plan of Management. It is imperative that such plan is prepared expeditiously.

8. K J Macaulay - 12 Hill Street Camden - Executor of the will of Miss Davies with support of Bruce Cunningham (co-executor)

As executors they are strongly opposed to the proposed reclassification to Operational land.

- Such an action would be contrary to the terms of Miss Davies' will. Details of the will are provided.
- Council accepted the gift of the land and the terms attached to it.
- The terms of the gift are consistent with Community land and less consistent with Operational land designation.
- The terms of the Local Government Act prevent the designation of land as Operational if it would be inconsistent with the terms of any instrument executed by the donor or transferor of the land. (s31.3).
- It can also be argued that designation as Operational land would be inconsistent with the terms of Miss Davies' bequest, which states that the land is to be used for community purposes (as per Community land) with no mention of the activities enabled by Operational designation.
- Operational land can be sold and the definition of Operational Land provided by Council as 'a temporary asset' suggests that this, or some other use quite unrelated to the terms of the gift, is or may in the future be Council's intention.
- A Plan of Management is required that provides for uses and provides certainty of leases etc for community-based uses.

Comments

Opposition to reclassification initially noted, as inconsistent with intent of Miss Davies Will.

Concur Terms of Gift more consistent with "community" classification and less consistent with "operational" classification.

It would appear that the classification as "operational" would potentially be precluded by Section 31 (3) (b) in respect of the "instrument of Bequest".

Concur with argument that "operational" classification potentially permits uses inconsistent with the Bequest.

It not considered possible by inference from reference to a "temporary asset" to establish Council's future intention.

Concur that a Plan of Management is required. Furthermore, it is required expediently.

9. Avril Langhorn - Macarthur Growers Pty Ltd (Chair)

Supports the proposed reclassification to Operational land.

- This will allow Council to continue to operate the land as it has in the past
- It would improve the security of the use of the site by the Growers' Market
- It would also ensure a continuing source of revenue for the Camden Town Farm.

Comments

Support of the reclassification to "operational" land is initially noted.

It may well improve the security of use by the Markets. Such security is, however, considered to be subservient to other negative implications of its reclassification.

Importantly, the conduct of Markets would still be permissible under a "community" classification, with adequate opportunities for reasonable tenure.

The Growers Market is not considered to be jeopardised by retention of a "community" classification. Every positive endeavour should, however, be made to expedite the preparation of a Plan of Management and facilitate continuity of operation.

10. Roslyn Tildsley (on behalf of Frank, Margaret and Roslyn Tildsley) - 40 Valley View Drive, Narellan

Objects to the reclassification of the land to Operational.

- The land is a wonderful and well used community asset.
- She and her parents visit regularly
- If reclassification would allow the sale of the land or uses other than what Miss Davies intended she most strongly objects.
- Miss Davies was a most generous, community-minded lady who cared about Camden and left the farm to the people of Camden.

Comments

Importance of CTF to the community is noted.

Qualities of late Miss Davies noted.

Concur that reclassification to "operational" and allied possibilities potentially incompatible with Miss Davies Will.

11. Trish Hyeronimus - 28 Caroline Chisolm Avenue, Camden

Objects strongly to the proposed reclassification of the land to Operational.

- It was a gift to the community of Camden
- Council accepted the land as a gift and should not now change it to Operational land.

Comments

Confirmation of community asset status noted.

Concur with inference "operational" classification is potentially precluded by the "instrument of Bequest".

12. Peter Standen - 66 William Campbell Avenue, Harrington Park

Mr Standen's submission is extensive with many annexures providing additional information such as extracts from Miss Davies' will, Council minutes, the Camden Local Environmental Plan etc. Please refer to the submission for these annexures.

Objects strongly to the proposed reclassification of land to Operational.

The reasons for this objection are:

- Council has not identified any alternatives or discussed other options as is required when considering proposals to reclassify land to Operational.
- No justification has been provided for both the omission of any classification originally and for the current proposal.
- The earlier resolutions to identify the land as Operational in 2000 and 2002 are unjustified, unsupported by proper investigation and out of date. They cannot be used to justify the current proposal.
- Council's current proposal ignores the essential issue that under Operational classification the land can be sold or managed without any need to advise or consult with the community. This is contrary to the fundamental purpose of the bequest.
- Miss Davies' requirements and wishes were expressed strongly and clearly in her will and should be seen to be respected. Designation as Operational will facilitate other uses contrary to the terms of her will.
- The adjoining Bicentennial Park provides a suitable model for the Camden Town Farm.

- Operational land cannot be approved given the terms of the will and the provisions of s31(3)(b) of the Local Government Act. The requirements of the Local Government Act and Regulations should be seen to be complied with as part of the process.
- The exhibited Statement of Council's Interest for the Camden Town Farm is flawed and is therefore of no relevance. Inadequacies include:
 - o the inherent conflict between control by a community standing committee and the proposed Operational classification which will prevent community involvement;
 - o the statement that Operational will help to preserve the heritage buildings and the conservation of the rural landscape and development in accordance with the Master Plan. This can be fully achieved under community classification and the existing planning controls and Master Plan; and
 - o objections to a Department of Education structure approved by Council staff under delegated authority – visual impact and legality of consent questioned.
- The information provided in the exhibited Planning Proposal is inadequate and lacks justification. Important issues and questions (for example is there a better way of achieving the objectives and is there a net community benefit?) are ignored. Furthermore, a change in the classification to achieve development in accordance with the approved Master Plan is neither warranted nor necessary.
- The statement that the changed classification is minor in nature and do not result in any adverse impacts on the community is clearly wrong. The community will be removed from direct participation in decision making.
- The exhibited Planning Proposal is not made in accordance with the Department of Planning's Practice Note and should be refused. In particular:
 - o No planning merits have been identified
 - o No reasons for the proposal have been identified
 - o No indication is provided of the magnitude of financial loss or gain anticipated and the type(s) of benefit that could arise
 - o No asset management objectives have been identified
- The current Master Plan cannot be relied upon given that Council has already approved development not in accordance with the Plan.
- Council has presented to the Town Farm Committee that the Master Plan proposals cannot be carried out on Community land. This is wrong providing that a Plan of Management is prepared and adopted for the land. Leases up to 30 years are possible and commercial interests are not prevented from entering into these leases.

Comments

Opposition to reclassification initially noted.

Concur reclassification is a matter to be considered on its current merits, given the passage of time and paucity of information supporting the original apparent intent in respect of classification.

Concur that "operational" classification more readily facilitates disposal of the CTF, contrary to the Bequest.

It should be noted that retention of the current classification would not preclude a future reclassification move and potential attendant consequences.

Concur classification as "operational" could facilitate uses contrary to the late Miss Davies Bequest.

Adjoining Bicentennial Park model noted.

Concur that "operational" classification is potentially precluded by the "instrument of Bequest" (Section 31 (3) (b) Local Government Act).

Agree exhibited Planning Proposal and Statement of Council's Interest is generally inadequate.

Concur that a reclassification would exclude the community from direct participation in decision making.

Agree that the CTF Masterplan should be afforded greater "status".

Concur that general objectives of the CTF Masterplan can generally be achieved under a "community" classification.
